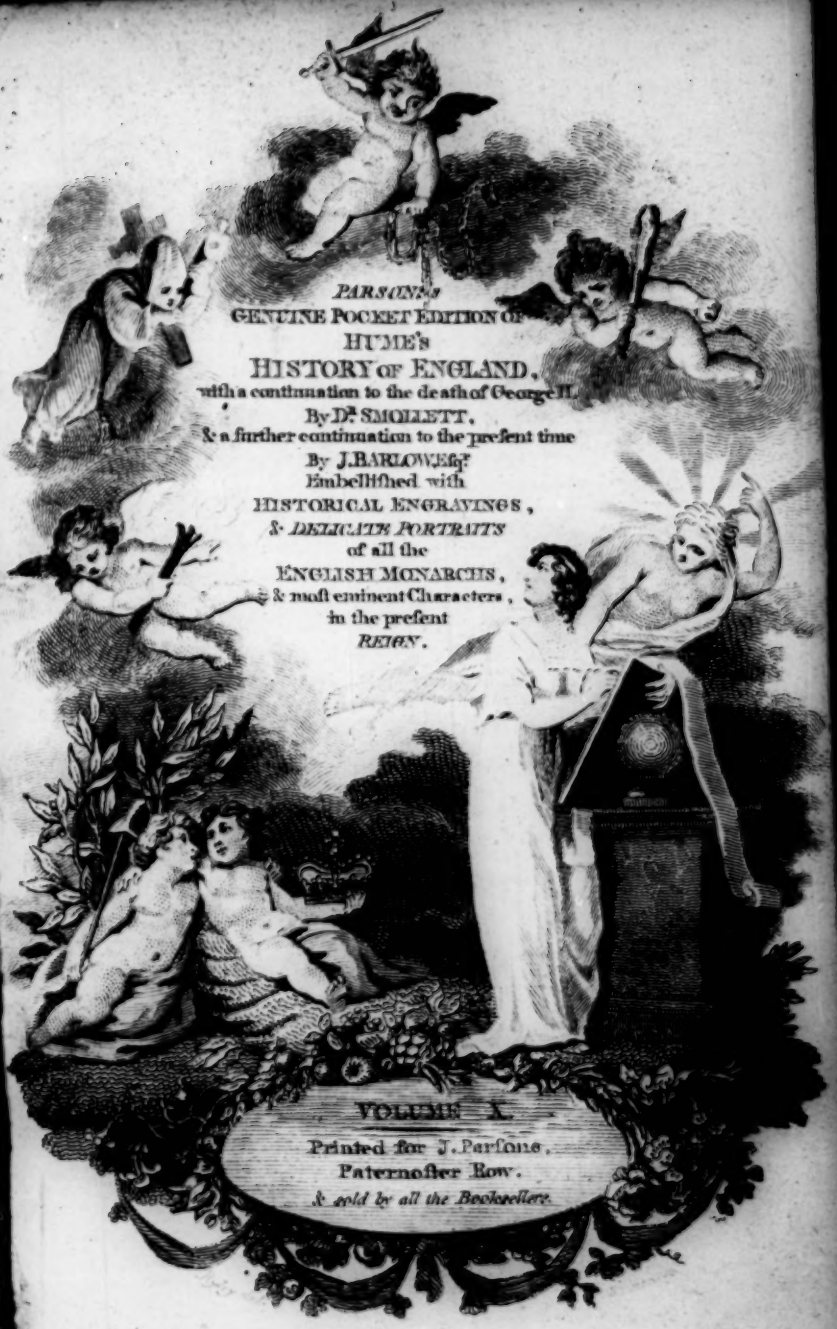
PARSONS'S
GENUINE POCKET EDITION OF
HUME'S
HISTORY OF ENGLAND,
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& a further continuation to the present time
By J. BARLOW Esq.r
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THE

HISTORY

OF

ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

The Revolution in 1688.

By DAVID HUME, Esq.

TO WHICH IS PREFIXED,

A SHORT ACCOUNT OF HIS LIFE,

WRITTEN BY HIMSELF.

VOL. X.

London:

PRINTED FOR J. PARSONS,

NO. 21, PATERNOSTER ROW.

1793.

BRITISH
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CONTENTS

OF THE

TENTH VOLUME.

CHAP. LXVII.

CHARLES II.

THE popiſh plot—Oates's narrative—and character—Coleman's letters—Godfrey's murder—General conſternation—The parliament—Zeal of the parliament—Bedloe's narrative—Accuſation of Danby—His impeachment—Diſſolution of the long parliament—Its character—Trial of Coleman—Of Ireland—New elections—Duke of Monmouth—Duke of York retires to Bruſſels—New parliament—Danby's impeachment—Popiſh plot—New council—Limitations on a popiſh ſucceſſor—Bill of excluſion—Habeas corpus bill—Prorogation and diſſolution of the parliament—Trial and execution of the five Jeſuits—And of Langhorne—Wakeman acquitted—State of affairs in Scotland—Battle of Bothwel-bridge. Page 3.

CHAP. LXVIII.

State of parties—State of the miniſtry—Meal-tub plot—Whig and Tory—A new parliament—Violence of the commons—Excluſion-bill—Arguments for and againſt the excluſion—Excluſion-bill rejected—Trial of Staffford—His execution—Violence of the commons—Diſſolution of the parliament—New parliament at Oxford—Fitzharris's caſe—Parliament diſſolved—Victory of the royaliſts. 52

CHAP.

CHAP. LXIX.

State of affairs in Ireland—Shaftesbury acquitted—Argyle's trial—State of affairs in Scotland—State of the ministry in England—New nomination of sheriffs—Quo warrantos—Great power of the crown—A conspiracy—Shaftesbury retires and dies—Rye-house plot—Conspiracy discovered—Execution of the conspirators—Trial of lord Russel—His execution—Trial of Algernon Sidney—His execution—State of the nation—State of foreign affairs—King's sickness and death—and character. 90

CHAP. LXX.

JAMES II.

King's first transactions—A parliament—Arguments for and against a revenue for life—Oates convicted of perjury—Monmouth's invasion—His defeat—and execution—Cruelties of Kirke—and of Jefferies—State of affairs in Scotland—Argyle's invasion—defeat—and execution—A parliament—French persecutions—The dispensing power—State of Ireland—Breach betwixt the king and the church—Court of ecclesiastical commission—Sentence against the bishop of London—Suspension of the penal laws—State of Ireland—Embassy to Rome—Attempt upon Magdalen College—Imprisonment—trial and acquittal of the bishops—Birth of the prince of Wales. 137

CHAP. LXXI.

Conduct of the prince of Orange—He forms a league against France—refuses to concur with the king—resolves to oppose the king—Is applied to by the English—Coalition of parties—Prince's preparations—Offers of France to the king—rejected—Supposed league with France—General discontents—The king retracts his measures

meaſures—Prince's declaration—The prince lands in England—General commotion—Deſertion of the army—and of prince George—and of the princeſs Anne—King's conſternation—and flight—General confuſion—King ſeized at Feverſham—Second eſcape—King's character—Convention ſummoned—Settlement of Scotland—Engliſh convention meets—Views of the parties—Free conference between the houſes—Commons prevail—Settlement of the crown—Manners and ſciences. 189

7 MA 63

THE
History of Great Britain,

CHAP. LXVII.

CHARLES II.

The popiſh plot—Oates's narrative—and character—Coleman's letters—Godfrey's murder—General conſternation—The parliament—Zeal of the parliament—Bedloe's narrative—Accuſation of Danby—His impeachment—Diſſolution of the long parliament—Its character—Trial of Coleman—Of Ireland—New elections—Duke of Monmouth—Duke of York retires to Bruſſels—New parliament—Danby's impeachment—Popiſh plot—New council—Limitations on a popiſh ſucceſſor—Bill of excluſion—Habeas corpus bill—Prorogation and diſſolution of the parliament—Trial and execution of the five Jeſuits—And of Langhorne—Wakeman acquitted—State of affairs in Scotland—Battle of Bothwel-bridge.

THE Engliſh nation, ever ſince the fatal league with France, had entertained violent jealouſies againſt the court; and the ſubſequent meaſures adopted by the king, had tended more to increaſe than cure the general prejudices. Some myſterious deſign was ſtill ſuſpected in every enterpriſe and profeſſion: Arbitrary power and popery were apprehended as the ſcope of all projects. Each breath or rumour made the people ſtart with anxiety: Their enemies, they thought, were in their very boſom, and had gotten poſſeſſion of their ſovereign's confidence. While in this timorous, jealous diſpoſition, the cry of a *plot* all on a ſudden ſtruck their

ears: They were wakened from their ſlumber; and like men affrightened and in the dark, took every figure for a ſpectre. The terror of each man became the ſource of terror to another. And an univerſal panic being diffuſed, reaſon and argument, and common ſenſe, and common humanity, loſt all influence over them. From this diſpoſition of men's minds we are to account for the progreſs of the POPISH PLOT, and the credit given to it; an event, which would otherwiſe appear prodigious and altogether inexplicable.

On the 12th of Auguſt, one Kirby, a chemiſt, accoſted the king, as he was walking in the Park: "Sir," ſaid he, "keep within the company: Your enemies have "a deſign upon your life; and you may be ſhot in this "very walk." Being aſked the reaſon of theſe ſtrange ſpeeches, he ſaid, that two men, called Grove and Pickering, had engaged to ſhoot the king, and ſir George Wakeman, the queen's phyſician, to poiſon him. This intelligence, he added, had been communicated to him by doctor Tongue; whom, if permitted, he would introduce to his majeſty. Tongue was a divine of the church of England; a man active, reſtleſs, full of projects, void of underſtanding. He brought papers to the king, which contained information of a plot, and were digeſted into forty-three articles. The king, not having leiſure to peruſe them, ſent them to the treaſurer, Danby, and ordered the two informers to lay the buſineſs before that miniſter. Tongue confeſſed to Danby, that he himſelf had not drawn the papers, that they had been ſecretly thruſt under his door, and that, though he ſuſpected, he did not certainly know, who was the author. After a few days he returned, and told the treaſurer, that his ſuſpicions, he found, were juſt; and that the author of the intelligence, whom he had met twice or thrice in the ſtreet, had acknowledged the whole matter, and had given him a more particular account of the conſpiracy, but deſired that his name might be concealed, being apprehenſive leſt the papiſts ſhould murder him.

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The information was renewed with regard to Grove's and Pickering's intentions of ſhooting the king; and Tongue even pretended, that, at a particular time, they were to ſet out for Windſor with that intention. Orders were given for arreſting them, as ſoon as they ſhould appear in that place: But though this alarm was more than once renewed, ſome frivolous reaſons were ſtill found by Tongue for their having delayed the journey. And the king concluded, both from theſe evaſions, and from the myſterious, artificial manner of communicating the intelligence, that the whole was an impoſture.

Tongue came next to the treaſurer, and told him, that a pacquet of letters, written by Jeſuits concerned in the plot, was that night to be put into the poſt-houſe for Windſor, directed to Bennifield, a Jeſuit, confeſſor to the duke. When this intelligence was conveyed to the king, he replied, that the pacquet mentioned had a few hours before been brought to the duke by Bennifield; who ſaid, that he ſuſpected ſome bad deſign upon him, that the letters ſeemed to contain matters of a dangerous import, and that he knew them not to be the hand-writing of the perſons whoſe names were ſubſcribed to them. This incident ſtill further confirmed the king in his incredulity.

The matter had probably ſleeped for ever, had it not been for the anxiety of the duke; who, hearing that prieſts and Jeſuits, and even his own confeſſor, had been accuſed, was deſirous that a thorough inquiry ſhould be made by the council into the pretended conſpiracy. Kirby and Tongue were inquired after, and were now found to be living in cloſe connexion with Titus Oates, the perſon who was ſaid to have conveyed the firſt intelligence to Tongue. Oates affirmed, that he had fallen under ſuſpicion with the Jeſuits; that he had received three blows with a ſtick, and a box on the ear from the provincial of that order, for revealing their conſpiracy: And that, overhearing them ſpeak of their intentions to puniſh him more ſeverely, he had withdrawn, and concealed himſelf. This man, in whoſe breaſt was lodged a ſecret,

a ſecret, involving the fate of kings and kingdoms, was allowed to remain in ſuch neceſſity, that Kirby was obliged to ſupply him with daily bread; and it was a joyful ſurpriſe to him, when he heard that the council was at laſt diſpoſed to take ſome notice of his intelligence. But as he expected more encouragement from the public, than from the king or his miniſters, he thought proper, before he was preſented to the council, to go with his two companions to ſir Edmondſbury Godfrey, a noted and active juſtice of peace, and to give evidence before him of all the articles of the conſpiracy.

The wonderful intelligence, which Oates conveyed both to Godfrey and the council, and afterwards to the parliament, was to this purpoſe. The pope, he ſaid, on examining the matter in the congregation *de propaganda*, had found himſelf entitled to the poſſeſſion of England and Ireland on account of the hereſy of prince and people, and had accordingly aſſumed the ſovereignty of theſe kingdoms. This ſupreme power he had thought proper to delegate to the ſociety of Jeſuits; and de Oliva, general of that order, in conſequence of the papal grant, had exerted every act of regal authority, and particularly had ſupplied, by commiſſions under the ſeal of the ſociety, all the chief offices, both civil and military. Lord Arundel was created chancellor, lord Powis treaſurer, ſir William Godolphin privy-ſeal, Coleman ſecretary of ſtate, Langhorne attorney-general, lord Bellaſis general of the papal army, lord Peters lieutenant-general, lord Stafford pay-maſter; and inferior commiſſions, ſigned by the provincial of the Jeſuits, were diſtributed all over England. All the dignities too of the church were filled, and many of them with Spaniards and other foreigners. The provincial had held a conſult of the Jeſuits under his authority; where the king, whom they opprobriouſly called the Black Baſtard, was ſolemnly tried and condemned as a heretic; and a reſolution taken to put him to death. Father le Shee (for ſo this great plotter and informer called father la Chaiſe, the noted confeſſor of the French king) had conſigned in London

ten

ten thouſand pounds to be paid to any man who ſhould merit it by this aſſaſſination. A Spaniſh provincial had expreſſed like liberality: The prior of the Benedictines was willing to go the length of ſix thouſand: The Dominicans approved of the action; but pleaded poverty. Ten thouſand pounds had been offered to ſir George Wakeman, the queen's phyſician, who demanded fifteen thouſand, as a reward for ſo great a ſervice: His demand was complied with; and five thouſand had been paid him by advance. Leſt this means ſhould fail, four Iriſh ruffians had been hired by the Jeſuits, at the rate of twenty guineas a-piece, to ſtab the king at Windſor; and Coleman, ſecretary to the late dutcheſs of York, had given the meſſenger, who carried them orders, a guinea to quicken his diligence. Grove and Pickering were alſo employed to ſhoot the king with ſilver bullets: The former was to receive the ſum of fifteen hundred pounds; the latter, being a pious man, was to be rewarded with thirty thouſand maſſes, which, eſtimating maſſes at a ſhilling a-piece, amounted to a like value. Pickering would have executed his purpoſe, had not the flint at one time dropped out of his piſtol, at another time the priming. Coniers, the Jeſuit, had bought a knife at the price of ten ſhillings, which he thought was not dear, conſidering the purpoſe for which he intended it, to wit, ſtabbing the king. Letters of ſubſcription were circulated among the catholics all over England to raiſe a ſum for the ſame purpoſe. No leſs than fifty Jeſuits had met in May laſt, at the White-horſe tavern, where it was unanimouſly agreed to put the king to death. This ſynod did afterwards, for more convenience, divide themſelves into many leſſer cabals or companies; and Oates was employed to carry notes and letters from one to another, all tending to the ſame end, of murdering the king. He even carried, from one company to another, a paper, in which they formally expreſſed their reſolution of executing that deed; and it was regularly ſubſcribed by all of them. A wager of a hundred pounds was laid, and ſtakes made, that the king ſhould eat no more Chriſtmas pyes. In ſhort, it was determined,

to

to uſe the expreſſion of a Jeſuit, that if he would not become R. C. (Roman Catholic) he ſhould no longer be C. R. (Charles Rex). The great fire of London had been the work of the Jeſuits, who had employed eighty or eighty-ſix perſons for that purpoſe, and had expended ſeven hundred fire-balls; but they had a good return for their money, for they had been able to pilfer goods from the fire to the amount of fourteen thouſand pounds: The Jeſuits had alſo raiſed another fire on St. Margaret's Hill, whence they had ſtolen goods to the value of two thouſand pounds: Another at Southwark: And it was determined in like manner to burn all the chief cities in England. A paper model was already framed for the firing of London; the ſtations were regularly marked out, where the ſeveral fires were to commence; and the whole plan of operations was ſo concerted, that precautions were taken by the Jeſuits to vary their meaſures, according to the variation of the wind. Fire-balls were familiarly called among them Teuxbury muſtard pills; and were ſaid to contain a notable biting ſauce. In the great fire, it had been determined to murder the king; but he had diſplayed ſuch diligence and humanity in extinguiſhing the flames, that even the Jeſuits relented, and ſpared his life. Beſides theſe aſſaſſinations and fires; inſurrections, rebellions, and maſſacres, were projected by that religious order in all the three kingdoms. There were twenty thouſand catholics in London, who would riſe in four-and-twenty hours or leſs; and Jenniſon, a Jeſuit, ſaid, that they might eaſily cut the throats of a hundred thouſand proteſtants. Eight thouſand catholics had agreed to take arms in Scotland. Ormond was to be murdered by four Jeſuits; a general maſſacre of the Iriſh proteſtants was concerted; and forty thouſand black bills were already provided for that purpoſe. Coleman had remitted two hundred thouſand pounds to promote the rebellion in Ireland; and the French king was to land a great army in that iſland. Poole, who wrote the Synopſis, was particularly marked out for aſſaſſination; as was alſo Dr. Stillingfleet, a controverſial writer againſt the papiſts. Burnet

tells

tells us, that Oates paid him the ſame compliment. After all this havoc, the crown was to be offered to the duke, but on the following conditions; that he receive it as a gift from the pope; that he confirm all the papal commiſſions for offices and employments; that he ratify all paſt tranſactions, by pardoning the incendiaries, and the murderers of his brother and of the people; and that he conſent to the utter extirpation of the proteſtant religion. If he refuſe theſe conditions, he himſelf was immediately to be poiſoned or aſſaſſinated, *To pot James muſt go*; according to the expreſſion aſcribed by Oates to the Jeſuits.

Oates, the informer of this dreadful plot, was himſelf the moſt infamous of mankind. He was the ſon of an anabaptiſt preacher, chaplain to colonel Pride; but having taken orders in the church, he had been ſettled in a ſmall living by the duke of Norfolk. He had been indicted for perjury; and by ſome means had eſcaped. He was afterwards a chaplain on board the fleet; whence he had been diſmiſſed on complaint of ſome unnatural practices, not fit to be named. He then became a convert to the catholics; but he afterwards boaſted, that his converſion was a mere pretence, in order to get into their ſecrets and to betray them. He was ſent over to the Jeſuits' college at St. Omers, and though above thirty years of age, he there lived ſome time among the ſtudents. He was deſpatched on an errand to Spain; and thence returned to St. Omers; where the Jeſuits, heartily tired of their convert, at laſt diſmiſſed him from their ſeminary. It is likely, that, from reſentment of this uſage, as well as from want and indigence, he was induced, in combination with Tongue, to contrive that plot, of which he accuſed the catholics.

This abandoned man, when examined before the council, betrayed his impoſtures in ſuch a manner, as would have utterly diſcredited the moſt conſiſtent ſtory, and the moſt reputable evidence. While in Spain, he had been carried, he ſaid, to don John, who promiſed great aſſiſtance to the execution of the catholic deſigns. The king aſked him, what ſort of a man don John was: He

anſwered, a tall lean man; directly contrary to truth, as the king well knew. He totally miſtook the ſituation of the Jeſuits' college at Paris. Though he pretended great intimacies with Coleman, he knew him not, when placed very near him; and had no other excuſe than that his ſight was bad in candle-light. He fell into like miſtakes with regard to Wakeman.

Notwithſtanding theſe objections, great attention was paid to Oates's evidence, and the plot became very ſoon the ſubject of converſation, and even the object of terror to the people. The violent animoſity, which had been excited againſt the catholics in general, made the public ſwallow the groſſeſt abſurdities when they accompanied an accuſation of thoſe religioniſts: And the more diabolical any contrivance appeared, the better it ſuited the tremendous idea entertained of a Jeſuit. Danby likewiſe, who ſtood in oppoſition to the French and catholic intereſt at court, was willing to encourage every ſtory, which might ſerve to diſcredit that party. By his ſuggeſtion, when a warrant was ſigned for arreſting Coleman, there was inſerted a clauſe for ſeizing his papers; a circumſtance attended with the moſt important conſequences.

Coleman, partly on his own account, partly by orders from the duke, had been engaged in a correſpondence with father la Chaiſe, with the pope's nuncio at Bruſſels, and with other catholics abroad; and being himſelf a fiery zealot, buſy and ſanguine, the expreſſions in his letters often betrayed great violence and indiſcretion. His correſpondence, during the years 1674, 1675, and part of 1676, was ſeized, and contained many extraordinary paſſages. In particular he ſaid to la Chaiſe, "We have here a mighty work upon our hands, no "leſs than the converſion of three kingdoms, and by "that perhaps the utter ſubduing of a peſtilent hereſy, "which has a long time domineered over a great part of "this northern world. There were never ſuch hopes of "ſucceſs, ſince the days of queen Mary, as now in our "days. God has given us a prince," meaning the duke, "who is become (may I ſay a miracle) zealous of

" being the author and inſtrument of ſo glorious a work;
" but the oppoſition we are ſure to meet with is alſo like
" to be great: So that it imports us to get all the aid
" and aſſiſtance we can." In another letter he ſaid, " I
" can ſcarce believe myſelf awake, or the thing real, when
" I think of a prince in ſuch an age as we live in, con-
" verted to ſuch a degree of zeal and piety, as not to
" regard any thing in the world in compariſon of God
" Almighty's glory, the ſalvation of his own ſoul, and
" the converſion of our poor kingdom." In other paſſ-
ages the intereſts of the crown of England, thoſe of the
French king, and thoſe of the catholic religion, are
ſpoken of as inſeparable. The duke is alſo ſaid to have
connected his intereſts unalterably with thoſe of Lewis.
The king himſelf, he affirms, is always inclined to fa-
vour the catholics, when he may do it without hazard.
" Money," Coleman adds, " cannot fail of perſuading
" the king to any thing. There is nothing it cannot
" make him do, were it ever ſo much to his prejudice.
" It has ſuch an abſolute power over him, that he can-
" not reſiſt it. Logic, built upon money, has in our
" court more powerful charms than any other ſort of
" argument." For theſe reaſons, he propoſed to father la
Chaiſe, that the French king ſhould remit the ſum of
300,000 pounds, on condition that the parliament be
diſſolved; a meaſure to which, he affirmed, the king
was, of himſelf, ſufficiently inclined, were it not for
his hopes of obtaining money from that aſſembly. The
parliament, he ſaid, had already conſtrained the king to
make peace with Holland, contrary to the intereſts of the
catholic religion, and of his moſt chriſtian majeſty:
And if they ſhould meet again, they would ſurely engage
him farther, even to the making of war againſt France.
It appears alſo from the ſame letters, that the aſſembling
of the parliament ſo late as April in the year 1675, had
been procured by the intrigues of the catholic and French
party, who thereby intended to ſhow the Dutch and their
confederates, that they could expect no aſſiſtance from
England.

When the contents of theſe letters were publicly known, they diffuſed the panic, with which the nation began already to be ſeized on account of the popiſh plot. Men reaſoned more from their fears and their paſſions than from the evidence before them. It is certain, that the reſtleſs and enterpriſing ſpirit of the catholic church, particularly of the Jeſuits, merits attention, and is, in ſome degree, dangerous to every other communion. Such zeal of proſelytiſm actuates that ſect, that its miſſionaries have penetrated into every nation of the globe; and, in one ſenſe, there is a *popiſh plot* perpetually carrying on againſt all ſtates, proteſtant, pagan, and mahometan. It is likewiſe very probable, that the converſion of the duke, and the favour of the king, had inſpired the catholic prieſts with new hopes of recovering in theſe iſlands their loſt dominion, and gave freſh vigour to that intemperate zeal by which they are commonly actuated. Their firſt aim was to obtain a toleration; and ſuch was the evidence, they believed, of their theological tenets, that, could they but procure entire liberty, they muſt infallibly in time open the eyes of the people. After they had converted conſiderable numbers, they might be enabled, they hoped, to reinſtate themſelves in full authority, and entirely to ſuppreſs that hereſy, with which the kingdom had ſo long been affected. Though theſe dangers to the proteſtant religion were diſtant, it was juſtly the object of great concern to find that the heir of the crown was ſo blinded with bigotry, and ſo deeply engaged in foreign intereſts; and that the king himſelf had been prevailed on, from low intereſts, to hearken to his dangerous inſinuations. Very bad conſequences might enſue from ſuch perverſe habits and attachments; nor could the nation and parliament guard againſt them with too anxious a precaution. But that the Roman pontiff could hope to aſſume the ſovereignty of theſe kingdoms; a project which, even during the darkneſs of the eleventh and twelfth centuries, would have appeared chimerical: That he ſhould delegate this authority to the Jeſuits; that order in the Romiſh church, which was the moſt hated: That a maſſacre could be attempted of the proteſtants,

teſtants, who ſurpaſſed the catholics a hundred fold, and were inveſted with the whole authority of the ſtate: That the king himſelf was to be aſſaſſinated, and even the duke, the only ſupport of their party: Theſe were ſuch abſurdities as no human teſtimony was ſufficient to prove; much leſs the evidence of one man, who was noted for infamy, and who could not keep himſelf every moment from falling into the groſſeſt inconſiſtencies. Did ſuch intelligence deſerve even ſo much attention as to be refuted, it would appear, that Coleman's letters were ſufficient alone to deſtroy all its credit. For how could ſo long a train of correſpondence be carried on, by a man ſo much truſted by the party; and yet no traces of inſurrections, if really intended, of fires, maſſacres, aſſaſſinations, invaſions, be ever diſcovered in any ſingle paſſage of theſe letters? But all ſuch reflections, and many more, equally obvious, were vainly employed againſt that general prepoſſeſſion with which the nation was ſeized. Oates's plot and Coleman's were univerſally confounded together: And the evidence of the latter being unqueſtionable, the belief of the former, aided by the paſſions of hatred and of terror, took poſſeſſion of the whole people.

There was danger, however, leſt time might open the eyes of the public; when the murder of Godfrey * completed the general deluſion, and rendered the prejudices of the nation abſolutely incurable. This magiſtrate had been miſſing ſome days; and after much ſearch, and many ſurmiſes, his body was found lying in a ditch at Primroſe-hill: The marks of ſtrangling were thought to appear about his neck, and ſome contuſions on his breaſt: His own ſword was ſticking in the body; but as no conſiderable quantity of blood enſued on drawing it, it was concluded, that it had been thruſt in after his death, and that he had not killed himſelf: He had rings on his fingers, and money in his pocket: It was therefore inferred, that he had not fallen into the hands of robbers. Without farther reaſoning, the cry roſe, that he had

* 17th October 1678.

been aſſaſſinated by the papiſts, on account of his taking Oates's evidence. This clamour was quickly propagated, and met with univerſal belief. The panic ſpread itſelf on every ſide with infinite rapidity; and all men, aſtoniſhed with fear, and animated with rage, ſaw in Godfrey's fate all the horrible deſigns aſcribed to the catholics; and no farther doubt remained of Oates's veracity. The voice of the nation united againſt that hated ſect; and notwithſtanding that the bloody conſpiracy was ſuppoſed to be now detected, men could ſcarcely be perſuaded that their lives were yet in ſafety. Each hour teemed with new rumours and ſurmiſes. Invaſions from abroad, inſurrections at home, even private murders and poiſonings, were apprehended. To deny the reality of the plot was to be an accomplice: To heſitate was criminal; Royaliſt, Republican, Churchman, Sectary; Courtier, Patriot; all parties concurred in the illuſion. The city prepared for its defence, as if the enemy were at its gates: The chains and poſts were put up: And it was a noted ſaying at that time of ſir Thomas Player, the chamberlain, that, were it not for theſe precautions, all the citizens might riſe next morning with their throats cut.

In order to propagate the popular frenzy, ſeveral artifices were employed. The dead body of Godfrey was carried into the city, attended by vaſt multitudes. It was publicly expoſed in the ſtreets, and viewed by all ranks of men; and every one, who ſaw it, went away inflamed, as well by the mutual contagion of ſentiments, as by the diſmal ſpectacle itſelf. The funeral pomp was celebrated with great parade. The corpſe was conducted through the chief ſtreets of the city: Seventy-two clergymen marched before: Above a thouſand perſons of diſtinction followed after: And at the funeral-ſermon, two able-bodied divines mounted the pulpit, and ſtood on each ſide of the preacher, leſt, in paying the laſt duties to this unhappy magiſtrate, he ſhould, before the whole people, be murdered by the papiſts.

In this diſpoſition of the nation, reaſon could no more be heard than a whiſper in the midſt of the moſt violent hurricane.

hurricane. Even at preſent, Godfrey's murder can ſcarcely, upon any ſyſtem, be rationally accounted for. That he was aſſaſſinated by the catholics, ſeems utterly improbable. Theſe religioniſts could not be engaged to commit that crime from *policy*, in order to deter other magiſtrates from acting againſt them. Godfrey's fate was no-wiſe capable of producing that effect, unleſs it were publicly known, that the catholics were his murderers; an opinion which, it was eaſy to foreſee, muſt prove the ruin of their party. Beſides, how many magiſtrates, during more than a century, had acted in the moſt violent manner againſt the catholics, without its being ever ſuſpected that any one had been cut off by aſſaſſination? Such jealous times as the preſent were ſurely ill fitted for beginning theſe dangerous experiments. Shall we therefore ſay, that the catholics were puſhed on, not by policy, but by blind *revenge*, againſt Godfrey? But Godfrey had given them little or no occaſion of offence in taking Oates's evidence. His part was merely an act of form, belonging to his office; nor could he, or any man in his ſtation, poſſibly refuſe it. In the reſt of his conduct, he lived on good terms with the catholics, and was far from diſtinguiſhing himſelf by his ſeverity againſt that ſect. It is even certain that he had contracted an intimacy with Coleman, and took care to inform his friend of the danger to which, by reaſon of Oates's evidence, he was at preſent expoſed.

There are ſome writers, who, finding it impoſſible to account for Godfrey's murder by the machinations of the catholics, have recourſe to the oppoſite ſuppoſition. They lay hold of that obvious preſumption, that thoſe commit the crime who reap advantage by it; and they affirm that it was Shafteſbury, and the heads of the popular party, who perpetrated that deed, in order to throw the odium of it on the papiſts. If this ſuppoſition be received, it muſt alſo be admitted, that the whole plot was the contrivance of thoſe politicians; and that Oates acted altogether under their direction. But it appears that Oates, dreading probably the oppoſition of powerful enemies, had very anxiouſly acquitted the duke,

Danby,

Danby, Ormond, and all the miniſtry; perſons who were certainly the moſt obnoxious to the popular leaders. Beſides, the whole texture of the plot contains ſuch low abſurdity, that it is impoſſible to have been the invention of any man of ſenſe or education. It is true, the more monſtrous and horrible the conſpiracy, the better was it fitted to terrify, and thence to convince, the populace: But this effect, we may ſafely ſay, no one could beforehand have expected; and a fool was in this caſe more likely to ſucceed than a wiſe man. Had Shafteſbury laid the plan of a popiſh conſpiracy, he had probably rendered it moderate, conſiſtent, credible; and on that very account had never met with the prodigious ſucceſs, with which Oates's tremendous fictions were attended.

We muſt, therefore, be contented to remain for ever ignorant of the actors in Godfrey's murder; and only pronounce in general, that that event, in all likelihood, had no connexion, one way or other, with the popiſh plot. Any man, eſpecially ſo active a magiſtrate as Godfrey, might, in ſuch a city as London, have many enemies, of whom his friends and family had no ſuſpicion. He was a melancholy man; and there is ſome reaſon, notwithſtanding the pretended appearances to the contrary, to ſuſpect that he fell by his own hands. The affair was never examined with tranquillity, or even with common ſenſe, during the time; and it is impoſſible for us, at this diſtance, certainly to account for it.

No one doubted but the papiſts had aſſaſſinated Godfrey; but ſtill the particular actors were unknown. A proclamation was iſſued by the king, offering a pardon and a reward of five hundred pounds to any one who ſhould diſcover them. As it was afterwards ſurmiſed, that the terror of a like aſſaſſination would prevent diſcovery, a new proclamation was iſſued, promiſing abſolute protection to any one who ſhould reveal the ſecret. Thus were indemnity, money, and ſecurity, offered to the faireſt bidder: And no one needed to fear, during the preſent fury of the people, that his evidence would undergo too ſevere a ſcrutiny.

(21ſt Oct.) While the nation was in this ferment, the parliament was aſſembled. In his ſpeech the king told them, that, though they had given money for diſbanding the army *, he had found Flanders ſo expoſed that he had thought it neceſſary ſtill to keep them on foot, and doubted not but this meaſure would meet with their approbation. He informed them, that his revenue lay under great anticipations, and at beſt was never equal to the conſtant and neceſſary expenſe of government; as would appear from the ſtate of it, which he intended to lay before them. He alſo mentioned the plot, formed againſt his life by Jeſuits; but ſaid, that he would forbear delivering any opinion of the matter, leſt he ſhould ſeem to ſay too much or too little; and that he would leave the ſcrutiny of it entirely to the law.

The king was anxious to keep the queſtion of the popiſh plot from the parliament; where, he ſuſpected, many deſigning people would very much abuſe the preſent credulity of the nation: But Danby, who hated the catholics, and courted popularity, and perhaps hoped that the king, if his life were believed in danger from the Jeſuits, would be more cordially loved by the nation, had entertained oppoſite deſigns; and the very firſt day of the ſeſſion, he opened the matter in the houſe of peers. The king was extremely diſpleaſed with this temerity, and told his miniſter, "Though you do not believe it, you "will find, that you have given the parliament a handle "to ruin yourſelf, as well as to diſturb all my affairs; "and you will ſurely live to repent it." Danby had afterwards ſufficient reaſon to applaud the ſagacity of his maſter.

The cry of the plot was immediately echoed from one houſe to the other. The authority of parliament gave ſanction to that fury, with which the people were already agitated. An addreſs was voted for a ſolemn faſt: A form of prayer was contrived for that ſolemnity; and be-

* They had granted him 600,000 pounds for diſbanding the army, for reimburſing the charges of his naval armament, and for paying the princeſs of Orange's portion.

cauſe

cauſe the popiſh plot had been omitted in the firſt draught, it was carefully ordered to be inſerted; leſt Omniſcience ſhould want intelligence, to uſe the words of an hiſtorian *.

In order to continue and propagate the alarm, addreſſes were voted for laying before the houſe ſuch papers as might diſcover the horrible conſpiracy; for the removal of popiſh recuſants from London; for adminiſtering every-where the oaths of allegiance and ſupremacy; for denying acceſs at court to all unknown or ſuſpicious perſons; and for appointing the trainbands of London and Weſtminſter to be in readineſs. The lords Powis, Stafford, Arundel, Peters, and Bellaſis, were committed to the Tower, and were ſoon after impeached for high treaſon. And both houſes, after hearing Oates's evidence, voted, "That the lords and commons are of opi-"nion, that there hath been, and ſtill is, a damnable "and helliſh plot, contrived and carried on by the "popiſh recuſants, for aſſaſſinating the king, for ſub-"verting the government, and for rooting out and "deſtroying the proteſtant religion."

So vehement were the houſes, that they ſat every day, forenoon and afternoon, on the ſubject of the plot: For no other buſineſs could be attended to. A committee of lords was appointed to examine priſoners and witneſſes: Blank warrants were put into their hands, for the commitment of ſuch as ſhould be accuſed or ſuſpected. Oates, who, though his evidence were true, muſt, by his own account, be regarded as an infamous villain, was by every one applauded, careſſed, and called the ſaviour of the nation. He was recommended by the parliament to the king. He was lodged in Whitehall, protected by guards, and encouraged by a penſion of 1200 pounds a-year.

It was not long before ſuch bountiful encouragement brought forth new witneſſes. William Bedloe, a man, if poſſible, more infamous than Oates, appeared next upon the ſtage. He was of very low birth, had been noted for ſeveral cheats and even thefts, had travelled over many parts of Europe under borrowed names, and

* North.

frequently

frequently paſſed himſelf for a man of quality, and had endeavoured, by a variety of lies and contrivances, to prey upon the ignorant and unwary. When he appeared before the council, he gave intelligence of Godfrey's murder only, which, he ſaid, had been prepetrated in Somerſet-houſe, where the queen lived, by papiſts; ſome of them ſervants in her family. He was queſtioned about the plot; but utterly denied all knowledge of it, and alſo aſſerted, that he had no acquaintance with Oates. Next day, when examined before the committee of lords, he bethought himſelf better, and was ready to give an ample account of the plot, which he found ſo anxiouſly inquired into. This narrative he made to tally, as well as he could, with that of Oates, which had been publiſhed: But that he might make himſelf acceptable by new matter, he added ſome other circumſtances, and theſe ſtill more tremendous and extraordinary. He ſaid, that ten thouſand men were to be landed from Flanders in Burlington Bay, and immediately to ſeize Hull: That Jerſey and Guernſey were to be ſurpriſed by forces from Breſt; and that a French fleet was, all laſt ſummer, hovering in the Channel for that purpoſe: That the lords Powis and Peters were to form an army in Radnorſhire, to be joined by another army, conſiſting of twenty or thirty thouſand religious men and pilgrims, who were to land at Milford Haven from St. Iago in Spain: That there were forty thouſand men ready in London; beſides thoſe, who would, on the alarm, be poſted at every alehouſe door, in order to kill the ſoldiers, as they came out of their quarters: That lord Stafford, Coleman, and father Ireland, had money ſufficient to defray the expenſes of all theſe armaments: That he himſelf was to receive four thouſand pounds, as one that could murder a man; as alſo a commiſſion from lord Bellaſis, and a benediction from the pope: That the king was to be aſſaſſinated; all the proteſtants maſſacred, who would not ſeriouſly be converted; the government offered to ONE, if he would conſent to hold it of the church, but if he ſhould refuſe that condition, as was ſuſpected, the ſupreme authority would be given to certain lords under the nomination of the

the pope. In a ſubſequent examination before the commons, Bedloe added (for theſe men always brought out their intelligence ſucceſſively and by piece-meal), that lord Carrington was alſo in the conſpiracy for raiſing men and money againſt the government; as was likewiſe lord Brudenel. Theſe noblemen, with all the other perſons mentioned by Bedloe, were immediately committed to cuſtody by the parliament.

It is remarkable that the only reſource of Spain, in her preſent decayed condition, lay in the aſſiſtance of England; and, ſo far from being in a ſituation to tranſport ten thouſand men for the invaſion of that kingdom, ſhe had ſolicited and obtained Engliſh forces to be ſent into the garriſons of Flanders, which were not otherwiſe able to defend themſelves againſt the French. The French too, we may obſerve, were at that very time in open war with Spain, and yet are ſuppoſed to be engaged in the ſame deſign againſt England; as if religious motives were become the ſole actuating principle among ſovereigns. But none of theſe circumſtances, however obvious, were able, when ſet in oppoſition to multiplied horrors, antipathies, and prejudices, to engage the leaſt attention of the populace: For ſuch the whole nation were at this time become. The popiſh plot paſſed for inconteſtable: And had not men ſoon expected with certainty the legal puniſhment of theſe criminals, the catholics had been expoſed to the hazard of an univerſal maſſacre. The torrent indeed of national prejudices ran ſo high, that no one, without the moſt imminent danger, durſt venture openly to oppoſe it; nay, ſcarcely any one, without great force of judgment, could even ſecretly entertain an opinion contrary to the prevailing ſentiments. The loud and unanimous voice of a great nation has mighty authority over weak minds; and even later hiſtorians are ſo ſwayed by the concurring judgment of ſuch multitudes, that ſome of them have eſteemed themſelves ſufficiently moderate, when they affirmed that many circumſtances of the plot were true, though ſome were added, and others much magnified. But it is an obvious principle, that a witneſs, who perjures himſelf

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in one circumſtance, is credible in none: And the authority of the plot, even to the end of the proſecutions, ſtood entirely upon witneſſes. Though the catholics had been ſuddenly and unexpectedly detected, at the very moment when their conſpiracy, it is ſaid, was ripe for execution; no arms, no ammunition, no money, no commiſſions, no papers, no letters, after the moſt rigorous ſearch, ever were diſcovered, to confirm the evidence of Oates and Bedloe. Yet ſtill the nation, though often fruſtrated, went on in the eager purſuit and confident belief of the conſpiracy: And even the manifold inconſiſtencies and abſurdities, contained in the narratives, inſtead of diſcouraging them, ſerved only as farther incentives to diſcover the bottom of the plot, and were conſidered as ſlight objections, which a more complete information would fully remove. In all hiſtory, it will be difficult to find ſuch another inſtance of popular frenzy and bigotted deluſion.

In order to ſupport the panic among the people, eſpecially among the citizens of London, a pamphlet was publiſhed with this title, "A narrative and impartial diſcovery of the horrid popiſh plot, carried on for burning and deſtroying the cities of London and Weſtminſter with their ſuburbs; ſetting forth the ſeveral conſults, orders, and reſolutions of the Jeſuits, concerning the ſame: By captain William Bedloe, lately engaged in that horrid deſign, and one of the popiſh committee for carrying on ſuch fires." Every fire, which had happened for ſeveral years paſt, is there aſcribed to the machinations of the Jeſuits, who purpoſed, as Bedloe ſaid, by ſuch attempts, to find an opportunity for the general maſſacre of the proteſtants; and in the mean time, were well pleaſed to enrich themſelves by pilfering goods from the fire.

The king, though he ſcrupled not, wherever he could ſpeak freely, to throw the higheſt ridicule on the plot, and on all who believed it; yet found it neceſſary to adopt the popular opinion before the parliament. The torrent, he ſaw, ran too ſtrong to be controlled; and he could only hope, by a ſeeming compliance, to be able,

after ſome time, to guide and direct and elude its fury. He made therefore a ſpeech to both houſes; in which he told them, that he would take the utmoſt care of his perſon during theſe times of danger; that he was as ready as their hearts could wiſh, to join with them in all means for eſtabliſhing the proteſtant religion, not only during his own time, but for all future ages; and that, provided the right of ſucceſſion were preſerved, he would conſent to any laws for reſtraining a popiſh ſucceſſor: And in concluſion, he exhorted them to think of effectual means for the conviction of popiſh recuſants; and he highly praiſed the duty and loyalty of all his ſubjects, who had diſcovered ſuch anxious concern for his ſafety.

Theſe gracious expreſſions abated nothing of the vehemence of parliamentary proceedings. A bill was introduced for a new teſt, in which popery was denominated idolatry; and all members, who refuſed this teſt, were excluded from both houſes. The bill paſſed the commons without much oppoſition; but in the upper houſe the duke moved, that an exception might be admitted in his favour. With great earneſtneſs, and even with tears in his eyes, he told them, that he was now to caſt himſelf on their kindneſs, in the greateſt concern which he could have in the world; and he proteſted, that whatever his religion might be, it ſhould only be a private *thing* between God and his own ſoul, and never ſhould appear in his public conduct. Notwithſtanding this ſtrong effort in ſo important a point, he prevailed only by two voices; a ſufficient indication of the general diſpoſition of the people. "I would not have," ſaid a noble peer, in the debate on this bill, "ſo much as a "popiſh man or a popiſh woman to remain here; not "ſo much as a popiſh dog or a popiſh bitch; not ſo "much as a popiſh cat to pur or mew about the king." What is more extraordinary, this ſpeech met with praiſe and approbation.

Encouraged by this general fury, the witneſſes went ſtill a ſtep farther in their accuſations; and though both Oates and Bedloe had often declared, that there was no other perſon of diſtinction whom they knew to be concerned

cerned in the plot, they were now ſo audacious as to accuſe the queen herſelf of entering into the deſign againſt the life of her huſband. The commons, in an addreſs to the king, gave countenance to this ſcandalous accuſation; but the lords would not be prevailed with to join in the addreſs. It is here, if any-where, that we may ſuſpect the ſuggeſtions of the popular leaders to have had place. The king, it was well known, bore no great affection to his conſort; and now, more than ever, when his brother and heir was ſo much hated, had reaſon to be deſirous of iſſue, which might quiet the jealous fears of his people. This very hatred, which prevailed againſt the duke, would much facilitate, he knew, any expedient that could be deviſed for the excluſion of that prince; and nothing farther ſeemed requiſite for the king than to give way in this particular to the rage and fury of the nation. But Charles, notwithſtanding all allurements of pleaſure, or intereſt, or ſafety, had the generoſity to protect his injured conſort. "They "think," ſaid he, "I have a mind to a new wife; "but for all that, I will not ſee an innocent woman "abuſed." He immediately ordered Oates to be ſtrictly confined, ſeized his papers, and diſmiſſed his ſervants; and this daring informer was obliged to make applications to parliament, in order to recover his liberty.

During this agitation of men's minds, the parliament gave new attention to the militia; a circumſtance which, even during times of greateſt tranquillity, can never prudently be neglected. They paſſed a bill, by which it was enacted, that a regular militia ſhould be kept in arms, during ſix weeks of the year, and a third part of them do duty every fortnight of that time. The popular leaders probably intended to make uſe of the general prejudices, and even to turn the arms of the people againſt the prince. But Charles refuſed his aſſent to the bill, and told the parliament, that he would not, were it for half an hour, part ſo far with the power of the ſword: But if they would contrive any other bill for ordering the militia, and ſtill leave it in his power to aſſemble or diſmiſs them as he thought proper, he would

willingly give it the royal aſſent. The commons, diſſatisfied with this negative, though the king had never before employed that prerogative, immediately voted that all the new-levied forces ſhould be diſbanded. They paſſed a bill, granting money for that purpoſe; but to ſhow their extreme jealouſy of the crown, beſides appropriating the money by the ſtricteſt clauſes, they ordered it to be paid not into the exchequer, but into the chamber of London. The lords demurred with regard to ſo extraordinary a clauſe, which threw a violent reflection on the king's miniſters, and even on himſelf; and by that means the act remained in ſuſpenſe.

It was no wonder, that the preſent ferment and credulity of the nation engaged men of infamous character and indigent circumſtances to become informers; when perſons of rank and condition could be tempted to give into that ſcandalous practice. Montague, the king's ambaſſador at Paris, had procured a ſeat in the lower houſe; and without obtaining or aſking the king's leave, he ſuddenly came over to England. Charles, ſuſpecting his intention, ordered his papers to be ſeized; but Montague, who foreſaw this meaſure, had taken care to ſecrete one paper, which he immediately laid before the houſe of commons. It was a letter from the treaſurer Danby written in the beginning of the year, during the negotiations at Nimeguen for the general peace. Montague was there directed to make a demand of money from France; or in other words, the king was willing ſecretly to ſell his good offices to Lewis, contrary to the general intereſts of the confederates, and even to thoſe of his own kingdoms. The letter, among other particulars, contained theſe words: "In caſe the conditions "of peace ſhall be accepted, the king expects to have "ſix millions of livres a year for three years, from the "time that this agreement ſhall be ſigned between his "majeſty and the king of France; becauſe it will pro-"bably be two or three years before the parliament "will be in humour to give him any ſupplies after the "making of any peace with France; and the ambaſ-"ſador here has always agreed to that ſum; but not

"for

" for ſo long a time." Danby was ſo unwilling to engage in this negotiation, that the king, to ſatisfy him, ſubjoined with his own hand theſe words: " This " letter is writ by my order, C. R." Montague, who revealed this ſecret correſpondence, had even the baſeneſs to ſell his baſe treachery at a high price to the French monarch.

The commons were inflamed with this intelligence againſt Danby; and carrying their ſuſpicions farther than the truth, they concluded, that the king had all along acted in concert with the French court; and that every ſtep, which he had taken in conjunction with the allies, had been illuſory and deceitful. Deſirous of getting to the bottom of ſo important a ſecret, and being puſhed by Danby's numerous enemies, they immediately voted an impeachment of high treaſon againſt that miniſter, and ſent up ſix articles to the houſe of peers. Theſe articles were, That he had treacherouſly engroſſed to himſelf regal power, by giving inſtructions to his majeſty's ambaſſadors, without the participation of the ſecretaries of ſtate, or the privy-council: That he had traiterouſly endeavoured to ſubvert the government, and introduce arbitrary power; and to that end, had levied and continued an army, contrary to act of parliament: That he had traiterouſly endeavoured to alienate the affections of his majeſty's ſubjects, by negotiating a diſadvantageous peace with France, and procuring money for that purpoſe: That he was popiſhly affected, and had traiterouſly concealed, after he had notice, the late horrid and bloody plot, contrived by the papiſts againſt his majeſty's perſon and government: That he had waſted the king's treaſure; and that he had, by indirect means, obtained ſeveral exorbitant grants from the crown.

It is certain that the treaſurer, in giving inſtructions to an ambaſſador, had exceeded the bounds of his office; and as the genius of a monarchy, ſtrictly limited, requires that the proper miniſter ſhould be anſwerable for every abuſe of power, the commons, though they here advanced a new pretenſion, might juſtify themſelves by

the utility, and even neceſſity of it. But in other reſpects their charge againſt Danby was very ill grounded. That miniſter made it appear to the houſe of lords, not only that Montague, the informer againſt him, had all along promoted the money-negotiations with France, but that he himſelf was ever extremely averſe to the intereſts of that crown, which he eſteemed pernicious to his maſter and to his country. The French nation, he ſaid, had always entertained, as he was certainly informed, the higheſt contempt, both of the king's perſon and government. His diligence, he added, in tracing and diſcovering the popiſh plot, was generally known; and if he had common ſenſe, not to ſay common honeſty, he would ſurely be anxious to preſerve the life of a maſter, by whom he was ſo much favoured. He had waſted no treaſure, becauſe there was no treaſure to waſte. And though he had reaſon to be grateful for the king's bounty, he had made more moderate acquiſitions than were generally imagined, and than others in his office had often done, even during a ſhorter adminiſtration.

The houſe of peers plainly ſaw, that, allowing all the charge of the commons to be true, Danby's crime fell not under the ſtatute of Edward III. and though the words, *treaſon* and *traiterouſly*, had been carefully inſerted in ſeveral articles, this appellation could not change the nature of things, or ſubject him to the penalties annexed to that crime. They refuſed, therefore, to commit Danby upon this irregular charge: The commons inſiſted on their demand; and a great conteſt was likely to ariſe, when the king, who had already ſeen ſufficient inſtances of the ill-humour of the parliament, thought proper to prorogue them. This prorogation was ſoon after * followed by a diſſolution; a deſperate remedy in the preſent diſpoſition of the nation. But the diſeaſe, it muſt be owned, the king had reaſon to eſteem deſperate. The utmoſt rage had been diſcovered by the commons, on account of the popiſh plot;

* 30th December.

and

and their fury began already to point againſt the royal family, if not againſt the throne itſelf. The duke had been ſtruck at in ſeveral motions: The treaſurer had been impeached: All ſupply had been refuſed, except on the moſt diſagreeable conditions: Fears, jealouſies, and antipathies were every day multiplying in parliament: And though the people were ſtrongly infected with the ſame prejudices, the king hoped, that, by diſſolving the preſent cabals, a ſet of men might be choſen more moderate in their purſuits, and leſs tain with the virulence of faction.

Thus came to a period a parliament, which had ſitten during the whole courſe of this reign, one year excepted. Its concluſion was very different from its commencement. Being elected during the joy and feſtivity of the reſtoration, it conſiſted almoſt entirely of royaliſts, who were diſpoſed to ſupport the crown by all the liberality which the habits of that age would permit. Alarmed by the alliance with France, they gradually withdrew their confidence from the king; and finding him ſtill to perſevere in a foreign intereſt, they proceeded to diſcover ſymptoms of the moſt refractory and moſt jealous diſpoſition. The popiſh plot puſhed them beyond all bounds of moderation; and before their diſſolution, they ſeemed to be treading faſt in the footſteps of the laſt long parliament, on whoſe conduct they threw at firſt ſuch violent blame. In all their variations, they had ſtill followed the opinions and prejudices of the nation; and ever ſeemed to be more governed by humour and party-views than by public intereſt, and more by public intereſt than by any corrupt or private influence.

During the ſitting of the parliament, and after its prorogation and diſſolution, the trials of the pretended criminals were carried on; and the courts of judicature, places which, if poſſible, ought to be kept more pure from injuſtice than even national aſſemblies themſelves, were ſtrongly infected with the ſame party-rage and bigotted prejudices. Coleman, the moſt obnoxious of the conſpirators, was firſt brought to his trial. His letters were produced againſt him. They contained, as he himſelf

himſelf confeſſed, much indiſcretion: But, unleſs ſo far as it is illegal to be a zealous catholic, they ſeemed to prove nothing criminal, much leſs treaſonable, againſt him. Oates and Bedloe depoſed, that he had received a commiſſion, ſigned by the ſuperior of the Jeſuits, to be papal ſecretary of ſtate, and had conſented to the poiſoning, ſhooting, and ſtabbing of the king: He had even, according to Oates's depoſition, advanced a guinea to promote thoſe bloody purpoſes. Theſe wild ſtories were confounded with the projects contained in his letters; and Coleman received ſentence of death. The ſentence was ſoon after executed upon him *. He ſuffered with calmneſs and conſtancy, and to the laſt perſiſted in the ſtrongeſt proteſtations of his innocence.

Coleman's execution was ſucceeded by the trial of father Ireland, who, it is pretended, had ſigned, together with fifty Jeſuits, the great reſolution of murdering the king. Grove and Pickering, who had undertaken to ſhoot him, were tried at the ſame time. The only witneſſes againſt the priſoners were ſtill Oates and Bedloe. Ireland affirmed, that he was in Staffordſhire all the month of Auguſt laſt, a time when Oates's evidence made him in London. He proved his aſſertion by good evidence, and would have proved it by undoubted, had he not, moſt iniquitouſly, been debarred, while in priſon, from all uſe of pen, ink, and paper, and denied the liberty of ſending for witneſſes. All theſe men, before their arraignment, were condemned in the opinion of the judges, jury, and ſpectators; and to be a Jeſuit, or even a catholic, was of itſelf a ſufficient proof of guilt. The chief juſtice †, in particular, gave ſanction to all the narrow prejudices and bigotted fury of the populace. Inſtead of being counſel for the priſoners, as his office required, he pleaded the cauſe againſt them, brow-beat their witneſſes, and on every occaſion repreſented their guilt as certain and uncontroverted. He even went ſo far as publicly to affirm, that the papiſts had not the ſame principles which proteſtants have, and therefore were not

* 3d of December. † Sir William Scroggs.

entitled

entitled to that common *credence*, which the principles and practices of the latter call for. And when the jury brought in their verdict againſt the priſoners, he ſaid, "You have done, gentlemen, like very good ſubjects, "and very good Chriſtians, that is to ſay, like very "good proteſtants: And now much good may their "30,000 maſſes do them:" Alluding to the maſſes by which Pickering was to be rewarded for murdering the king. All theſe unhappy men went to execution *, proteſting their innocence; a circumſtance which made no impreſſion on the ſpectators. The opinion, that the Jeſuits allowed of lies and mental reſervations for promoting a good cauſe, was at this time ſo univerſally received, that no credit was given to teſtimony delivered either by that order, or by any of their diſciples. It was forgotten, that all the conſpirators engaged in the gunpowder treaſon, and Garnet, the Jeſuit, among the reſt, had freely on the ſcaffold made confeſſion of their guilt.

Though Bedloe had given information of Godfrey's murder, he ſtill remained a ſingle evidence againſt the perſons accuſed; and all the allurements of profit and honour had not hitherto tempted any one to confirm the teſtimony of that informer. At laſt, means were found to complete the legal evidence. One Prance, a ſilverſmith, and a catholic, had been accuſed by Bedloe of being an accomplice in the murder; and upon his denial had been thrown into priſon, loaded with heavy irons, and confined to the condemned hole, a place cold, dark, and full of naſtineſs. Such rigours were ſuppoſed to be exerciſed by orders from the ſecret committee of lords, particularly Shafteſbury and Buckingham; who, in examining the priſoners, uſually employed (as is ſaid, and indeed ſufficiently proved) threatenings and promiſes, rigour and indulgence, and every art, under pretence of extorting the truth from them. Prance had not courage to reſiſt, but confeſſed himſelf an accomplice in Godfrey's murder. Being aſked concerning the plot, he alſo

* 1679, 4th January.

thought

thought proper to be acquainted with it, and conveyed ſome intelligence to the council. Among other abſurd circumſtances, he ſaid, that one Le Fevre bought a ſecond-hand ſword of him; becauſe he knew not, as he ſaid, what times were at hand: And Prance expreſſing ſome concern for poor tradeſmen if ſuch times came, Le Fevre replied, that it would be better for tradeſmen if the catholic religion were reſtored: And particularly, that there would be more church work for ſilverſmiths. All this information with regard to the plot, as well as the murder of Godfrey, Prance ſolemnly retracted, both before the king and the ſecret committee: But being again thrown into priſon, he was induced, by new terrors and new ſufferings, to confirm his firſt information, and was now produced as a ſufficient evidence.

Hill, Green, and Berry, were tried for Godfrey's murder; all of them men of low ſtations. Hill was ſervant to a phyſician: The other two belonged to the popiſh chapel at Somerſet-houſe. It is needleſs to run over all the particulars of a long trial: It will be ſufficient to ſay, that Bedloe's evidence and Prance's were in many circumſtances totally irreconcilable; that both of them laboured under unſurmountable difficulties, not to ſay groſs abſurdities; and that they were invalidated by contrary evidence, which is altogether convincing. But all was in vain: The priſoners were condemned and executed *. They all denied their guilt at their execution; and as Berry died a proteſtant, this circumſtance was regarded as very conſiderable: But, inſtead of its giving ſome check to the general credulity of the people, men were only ſurpriſed, that a proteſtant could be induced at his death to perſiſt in ſo manifeſt a falſehood.

As the army could neither be kept up, nor diſbanded, without money, the king, how little hopes ſoever he could entertain of more compliance, found himſelf obliged to ſummon a new parliament. The blood, already ſhed on account of the popiſh plot, inſtead of ſatiating the people, ſerved only as an incentive to their fury; and

* February 21ſt and 28th.

each

each conviction of a criminal was hitherto regarded as a new proof of thoſe horrible deſigns imputed to the papiſts. This election is perhaps the firſt in England, which, ſince the commencement of the monarchy, had been carried on by a violent conteſt between the parties, and where the court intereſted itſelf, to a high degree, in the choice of the national repreſentatives. But all its efforts were fruitleſs, in oppoſition to the torrent of prejudices which prevailed. Religion, liberty, property, even the lives of men, were now ſuppoſed to be at ſtake; and no ſecurity, it was thought, except in a vigilant parliament, could be found againſt the impious and bloody conſpirators. Were there any part of the nation, to which the ferment, occaſioned by the popiſh plot, had not as yet propagated itſelf; the new elections, by intereſting the whole people in public concerns, tended to diffuſe it into the remoteſt corner; and the conſternation, univerſally excited, proved an excellent engine for influencing the electors. All the zealots of the former parliament were re-choſen: New ones were added: The preſbyterians, in particular, being tranſported with the moſt inveterate antipathy againſt popery, were very active and very ſucceſsful in the elections. That party, it is ſaid, firſt began at this time the abuſe of ſplitting their freeholds, in order to multiply votes and electors. By accounts, which came from every part of England, it was concluded, that the new repreſentatives would, if poſſible, exceed the old in their refractory oppoſition to the court, and furious perſecution of the catholics.

The king was alarmed, when he ſaw ſo dreadful a tempeſt ariſe from ſuch ſmall and unaccountable beginnings. His life, if Oates and Bedloe's information were true, had been aimed at by the catholics: Even the duke's was in danger: The higher, therefore, the rage mounted againſt popery, the more ſhould the nation have been reconciled to theſe princes, in whom, it appeared, the church of Rome repoſed no confidence. But there is a ſophiſtry which attends all the paſſions; eſpecially thoſe into which the populace enter. Men gave credit to the informers, ſo far as concerned the guilt of the catholics:

tholics: But they ſtill retained their old ſuſpicions, that theſe religioniſts were ſecretly favoured by the king, and had obtained the moſt entire aſcendant over his brother. Charles had too much penetration not to ſee the danger, to which the ſucceſſion, and even his own crown and dignity, now ſtood expoſed. A numerous party, he found, was formed againſt him; on the one hand, compoſed of a populace, ſo credulous from prejudice, ſo blinded with religious antipathy, as implicitly to believe the moſt palpable abſurdities; and conducted, on the other hand, by leaders ſo little ſcrupulous, as to endeavour, by encouraging perjury, ſubornation, lies, impoſtures, and even by ſhedding innocent blood, to gratify their own furious ambition, and ſubvert all legal authority. Rouſed from his lethargy by ſo imminent a peril, he began to exert that vigour of mind, of which, on great occaſions, he was not deſtitute; and without quitting in appearance his uſual facility of temper, he collected an induſtry, firmneſs, and vigilance, of which he was believed altogether incapable. Theſe qualities, joined to dexterity and prudence, conducted him happily through the many ſhoals which ſurrounded him; and he was at laſt able to make the ſtorm fall on the heads of thoſe who had blindly raiſed, or artfully conducted it.

One chief ſtep, which the king took, towards gratifying and appeaſing his people and parliament, was, deſiring the duke to withdraw beyond ſea, that no farther ſuſpicion might remain of the influence of popiſh counſels. The duke readily complied; but firſt required an order for that purpoſe, ſigned by the king; leſt his abſenting himſelf ſhould be interpreted as a proof of fear or of guilt. He alſo deſired, that his brother ſhould ſatisfy him, as well as the public, by a declaration of the illegitimacy of the duke of Monmouth.

James duke of Monmouth was the king's natural ſon by Lucy Walters, and born about ten years before the reſtoration. He poſſeſſed all the qualities which could engage the affections of the populace; a diſtinguiſhed valour, an affable addreſs, a thoughtleſs generoſity, a

graceful perſon. He roſe ſtill higher in the public favour, by reaſon of the univerſal hatred to which the duke, on account of his religion, was expoſed. Monmouth's capacity was mean; his temper pliant: So that, notwithſtanding his great popularity, he had never been dangerous, had he not implicitly reſigned himſelf to the guidance of Shafteſbury, a man of ſuch a reſtleſs temper, ſuch ſubtle wit, and ſuch abandoned principles. That daring politician had flattered Monmouth with the hopes of ſucceeding to the crown. The ſtory of a contract of marriage, paſſed between the king and Monmouth's mother, and ſecretly kept in a certain *black box*, had been induſtriouſly ſpread abroad, and was greedily received by the multitude. As the horrors of popery ſtill preſſed harder on them, they might be induced, either to adopt that fiction, as they had already done many others more incredible, or to commit open violation on the right of ſucceſſion. And it would not be difficult, it was hoped, to perſuade the king, who was extremely fond of his ſon, to give him the preference above a brother, who, by his imprudent bigotry, had involved him in ſuch inextricable difficulties. But Charles, in order to cut off all ſuch expectations, as well as to remove the duke's apprehenſions, took care, in full council, to make a declaration of Monmouth's illegitimacy, and to deny all promiſe of marriage with his mother. The duke, being gratified in ſo reaſonable a requeſt, willingly complied with the king's deſire, and retired to Bruſſels.

But the king ſoon found, that, notwithſtanding this precaution, notwithſtanding his concurrence in the proſecution of the popiſh plot, notwithſtanding the zeal which he expreſſed, and even at this time exerciſed, againſt the catholics; he had nowiſe obtained the confidence of his parliament. The refractory humour of the lower houſe appeared in the firſt ſtep which they took upon their aſſembling *. It had ever been uſual for the commons, in the election of their ſpeaker, to conſult the inclinations of their ſovereign; and even the long parlia-

* March 6th.

ment in 1641 had not thought proper to depart from ſo eſtabliſhed a cuſtom. The king now deſired that the choice ſhould fall on ſir Thomas Meres: But Seymour, ſpeaker to the laſt parliament, was inſtantly called to the chair, by a vote which ſeemed unanimous. The king, when Seymour was preſented to him for his approbation, rejected him, and ordered the commons to proceed to a new choice. A great flame was excited. The commons maintained, that the king's approbation was merely a matter of form, and that he could not, without giving a reaſon, reject the ſpeaker choſen: The king, that, ſince he had the power of rejecting, he might, if he pleaſed, keep the reaſon in his own breaſt. As the queſtion had never before been ſtarted, it might ſeem difficult to find principles, upon which it could be decided *. By way of compromiſe, it was agreed to ſet aſide both candidates. Gregory, a lawyer, was choſen; and the election was ratified by the king. It has ever ſince been underſtood, that the choice of the ſpeaker lies in the houſe; but that the king retains the power of rejecting any perſon diſagreeable to him.

Seymour was deemed a great enemy to Danby; and it was the influence of that nobleman, as commonly ſuppoſed, which had engaged the king to enter into this ill-timed controverſy with the commons. The impeachment, therefore, of Danby was, on that account, the ſooner revived; and it was maintained by the commons, that, notwithſtanding the intervening diſſolution, every part of that proceeding ſtood in the ſame condition in which it had been left by the laſt parliament: A pretenſion which, though unuſual, ſeems tacitly to have been yielded them. The king had beforehand had the precaution to grant a pardon to Danby; and, in order to

* In 1566, the ſpeaker ſaid to Q. Elizabeth, that without her allowance the election of the houſe was of no ſignificance. In the parliament 1592, 1593, the ſpeaker, who was ſir Edward Coke, advances a like poſition. So that this pretenſion of the commons ſeems to have been ſomewhat new; like many other powers and privileges.

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ſcreen the chancellor from all attacks by the commons, he had taken the great ſeal into his own hands, and had himſelf affixed it to the parchment. He told the parliament, that, as Danby had acted in every thing by his orders, he was in no reſpect criminal; that his pardon, however, he would inſiſt upon; and if it ſhould be found anywiſe defective in form, he would renew it again and again, till it ſhould be rendered entirely complete: But that he was reſolved to deprive him of all employments, and to remove him from court.

The commons were nowiſe ſatisfied with this conceſſion. They pretended, that no pardon of the crown could be pleaded in bar of an impeachment by the commons. The prerogative of mercy had hitherto been underſtood to be altogether unlimited in the king; and this pretenſion of the commons, it muſt be confeſſed, was entirely new. It was however not unſuitable to the genius of a monarchy ſtrictly limited; where the king's miniſters are ſuppoſed to be for ever accountable to national aſſemblies, even for ſuch abuſes of power as they may commit by orders from their maſter. The preſent emergence, while the nation was ſo highly inflamed, was the proper time for puſhing ſuch popular claims; and the commons failed not to avail themſelves of this advantage. They ſtill inſiſted on the impeachment of Danby. The peers, in compliance with them, departed from their former ſcruples, and ordered Danby to be taken into cuſtody. Danby abſconded. The commons paſſed a bill, appointing him to ſurrender himſelf before a certain day, or, in default of it, attainting him. A bill had paſſed the upper houſe, mitigating the penalty to baniſhment; but, after ſome conferences, the peers thought proper to yield to the violence of the commons; and the bill of attainder was carried. Rather than undergo ſuch ſevere penalties, Danby appeared, and was immediately committed to the Tower.

While a proteſtant nobleman met with ſuch violent proſecution, it was not likely that the catholics would be overlooked by the zealous commons. The credit of the popiſh plot ſtill ſtood upon the oaths of a few infa-

mous witneſſes. Though ſuch immenſe preparations were ſuppoſed to have been made in the very bowels of the kingdom, no traces of them, after the moſt rigorous inquiry, had as yet appeared. Though ſo many thouſands, both abroad and at home, had been engaged in the dreadful ſecret; neither hope, nor fear, nor remorſe, nor levity, nor ſuſpicions, nor private reſentment, had engaged any one to confirm the evidence. Though the catholics, particularly the Jeſuits, were repreſented as guilty of the utmoſt indiſcretion, inſomuch that they talked of the king's murder as common news, and wrote of it in plain terms by the common poſt; yet, among the great number of letters ſeized, no one contained any part of ſo complicated a conſpiracy. Though the informers pretended that, even after they had reſolved to betray the ſecret, many treaſonable commiſſions and papers had paſſed through their hands; they had not had the precaution to keep any one of them, in order to fortify their evidence. But all theſe difficulties, and a thouſand more, were not found too hard of digeſtion by the nation and parliament. The proſecution and farther diſcovery of the plot were ſtill the object of general concern. The commons voted, that, if the king ſhould come to an untimely end, they would revenge his death upon the papiſts; not reflecting that this ſect were not his only enemies. They promiſed rewards to new diſcoverers; not conſidering the danger, which they incurred, of granting bribes to perjury. They made Bedloe a preſent of 500 pounds; and particularly recommended the care of his ſafety to the duke of Monmouth. Colonel Sackville, a member, having, in a private company, ſpoken opprobriouſly of thoſe who affirmed that there was any plot, was expelled the houſe. The peers gave power to their committees to ſend for and examine ſuch as would maintain the innocence of thoſe who had been condemned for the plot. A pamphlet having been publiſhed to diſcredit the informers, and to vindicate the catholic lords in the Tower, theſe lords were required to diſcover the author, and thereby to expoſe their own advocate to proſecution. And both houſes

houſes concurred in renewing the former vote, that the papiſts had undoubtedly entered into a *horrid* and *treaſonable* conſpiracy againſt the king, the ſtate, and the proteſtant religion.

It muſt be owned that this extreme violence, in proſecution of ſo abſurd an impoſture, diſgraces the noble cauſe of liberty, in which the parliament was engaged. We may even conclude from ſuch impatience of contradiction, that the proſecutors themſelves retained a ſecret ſuſpicion that the general belief was but ill-grounded. The politicians among them were afraid to let in light, leſt it might put an end to ſo uſeful a deluſion: The weaker and leſs diſhoneſt party took care, by turning their eyes aſide, not to ſee a truth, ſo oppoſite to thoſe furious paſſions, by which they were actuated, and in which they were determined obſtinately to perſevere.

Sir William Temple had lately been recalled from his foreign employments; and the king, who, after the removal of Danby, had no one with whom he could ſo much as diſcourſe with freedom of public affairs, was reſolved, upon Coventry's diſmiſſion, to make him one of his ſecretaries of ſtate. But that philoſophical patriot, too little intereſted for the intrigues of a court, too full of ſpleen and delicacy for the noiſy turbulence of popular aſſemblies, was alarmed at the univerſal diſcontents and jealouſies which prevailed, and was determined to make his retreat, as ſoon as poſſible, from a ſcene which threatened ſuch confuſion. Meanwhile, he could not refuſe the confidence with which his maſter honoured him; and he reſolved to employ it to the public ſervice. He repreſented to the king, that, as the jealouſies of the nation were extreme, it was neceſſary to cure them by ſome new remedy, and to reſtore that mutual confidence, ſo requiſite for the ſafety both of king and people: That to refuſe every thing to the parliament in their preſent diſpoſition, or to yield every thing, was equally dangerous to the conſtitution, as well as to public tranquillity: That if the king would introduce into his councils ſuch men as enjoyed the confidence of his people, fewer conceſſions would probably be required; or if unreaſonable

reaſonable demands were made, the king, under the ſanction of ſuch counſellors, might be enabled, with the greater ſafety, to refuſe them: And that the heads of the popular party, being gratified with the king's favour, would probably abate of that violence by which they endeavoured at preſent to pay court to the multitude.

The king aſſented to theſe reaſons; and, in concert with Temple, he laid the plan of a new privy-council, without whoſe advice he declared himſelf determined for the future to take no meaſure of importance. This council was to conſiſt of thirty perſons, and was never to exceed that number. Fifteen of the chief officers of the crown were to be continued, who, it was ſuppoſed, would adhere to the king, and, in caſe of any extremity, oppoſe the exorbitancies of faction. The other half of the council was to be compoſed, either of men of character, detached from the court, or of thoſe who poſſeſſed chief credit in both houſes. And the king, in filling up the names of his new council, was well pleaſed to find that the members, in land and offices, poſſeſſed to the amount of 300,000 pounds a-year; a ſum nearly equal to the whole property of the houſe of commons, againſt whoſe violence the new council was intended as a barrier to the throne *.

This experiment was tried, and ſeemed at firſt to give ſome ſatisfaction to the public. The earl of Eſſex, a nobleman of the popular party, ſon of that lord Capel who had been beheaded a little after the late king, was

* Their names were: Prince Rupert, the archbiſhop of Canterbury, lord Finch chancellor, earl of Shafteſbury preſident, earl of Angleſea privy-ſeal, duke of Albemarle, duke of Monmouth, duke of Newcaſtle, duke of Lauderdale, duke of Ormond, marquis of Wincheſter, marquis of Worceſter, earl of Arlington, earl of Saliſbury, earl of Bridgwater, earl of Sunderland, earl of Eſſex, earl of Bath, viſcount Fauconberg, viſcount Halifax, biſhop of London, lord Roberts, lord Hollis, lord Ruſſel, lord Cavendiſh, ſecretary Coventry, ſir Francis North chief-juſtice, ſir Henry Capel, ſir John Ernley, ſir Thomas Chicheley, ſir William Temple, Edward Seymour, Henry Powle.

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created treaſurer in the room of Danby: The earl of Sunderland, a man of intrigue and capacity, was made ſecretary of ſtate: Viſcount Halifax, a fine genius, poſſeſſed of learning, eloquence, induſtry, but ſubject to inquietude, and fond of refinements, was admitted into the council. Theſe three, together with Temple, who often joined them, though he kept himſelf more detached from public buſineſs, formed a kind of cabinet council, from which all affairs received their firſt digeſtion. Shafteſbury was made preſident of the council; contrary to the advice of Temple, who foretold the conſequence of admitting a man of ſo dangerous a character into any part of the public adminiſtration.

As Temple foreſaw, it happened. Shafteſbury, finding that he poſſeſſed no more than the appearance of court-favour, was reſolved ſtill to adhere to the popular party, by whoſe attachment he enjoyed an undiſputed ſuperiority in the lower houſe, and poſſeſſed great influence in the other. The very appearance of court-favour, empty as it was, tended to render him more dangerous. His partiſans, obſerving the progreſs which he had already made, hoped that he would ſoon acquire the entire aſcendant; and he conſtantly flattered them, that if they perſiſted in their purpoſe, the king, from indolence, and neceſſity, and fondneſs for Monmouth, would at laſt be induced, even at the expenſe of his brother's right, to make them every conceſſion.

Beſides, the antipathy to popery, as well as jealouſy of the king and duke, had taken too faſt poſſeſſion of men's minds, to be removed by ſo feeble a remedy as this new council projected by Temple. The commons, ſoon after the eſtabliſhment of that council, proceeded ſo far as to vote unanimouſly, "That the duke of York's "being a papiſt, and the hopes of his coming to the "crown, had given the higheſt countenance to the pre-"ſent conſpiracies and deſigns of the papiſts againſt the "king and the proteſtant religion." It was expected that a bill for excluding him the throne would ſoon be brought in. To prevent this bold meaſure, the king concerted ſome limitations, which he propoſed to the parliament.

parliament. He introduced his plan by the following gracious expreſſions: "And to ſhow you that, while "you are doing your parts, my thoughts have not been "miſemployed, but that it is my conſtant care to do "every thing that may preſerve your religion, and ſe-"cure it for the future in all events, I have commanded "my lord chancellor to mention ſeveral particulars; "which, I hope, will be an evidence that, in all things "which concern the public ſecurity, I ſhall not follow "your zeal, but lead it."

The limitations projected were of the utmoſt importance, and deprived the ſucceſſor of the chief branches of royalty. A method was there chalked out, by which the nation, on every new reign, could be enſured of having a parliament, which the king ſhould not, for a certain time, have it in his power to diſſolve. In caſe of a popiſh ſucceſſor, the prince was to forfeit the right of conferring any eccleſiaſtical preferments: No member of the privy-council, no judge of the common law or in chancery, was to be put in or diſplaced but by conſent of parliament: And the ſame precaution was extended to the military part of the government; to the lord lieutenants and deputy lieutenants of the counties, and to all officers of the navy. The chancellor of himſelf added, "It is hard to invent another reſtraint; conſider-"ing how much the revenue will depend upon the con-"ſent of parliament, and how impoſſible it is to raiſe "money without ſuch conſent. But yet, if any thing "elſe can occur to the wiſdom of parliament, which "may farther ſecure religion and liberty againſt a po-"piſh ſucceſſor, without defeating the right of ſucceſ-"ſion itſelf, his majeſty will readily conſent to it."

It is remarkable that, when theſe limitations were firſt laid before the council, Shafteſbury and Temple were the only members who argued againſt them. The reaſons which they employed were diametrically oppoſite. Shafteſbury's opinion was, that the reſtraints were inſufficient; and that nothing but the total excluſion of the duke could give a proper ſecurity to the kingdom. Temple, on the other hand, thought that the reſtraints were

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ſo rigorous as even to ſubvert the conſtitution; and that ſhackles, put upon a popiſh ſucceſſor, would not afterwards be eaſily caſt off by a proteſtant. It is certain that the duke was extremely alarmed when he heard of this ſtep taken by the king, and that he was better pleaſed even with the bill of excluſion itſelf, which, he thought, by reaſon of its violence and injuſtice, could never poſſibly be carried into execution. There is alſo reaſon to believe that the king would not have gone ſo far, had he not expected, from the extreme fury of the commons, that his conceſſions would be rejected, and that the blame of not forming a reaſonable accommodation would by that means lie entirely at their door.

It ſoon appeared that Charles had entertained a juſt opinion of the diſpoſitions of the houſe. So much were the commons actuated by the cabals of Shafteſbury and other malcontents; ſuch violent antipathy prevailed againſt popery, that the king's conceſſions, though much more important than could reaſonably have been expected, were not embraced. A bill was brought in for the total excluſion of the duke from the crown of England and Ireland. It was there declared, that the ſovereignty of theſe kingdoms, upon the king's death or reſignation, ſhould devolve to the perſon next in ſucceſſion after the duke; that all acts of royalty which that prince ſhould afterwards perform, ſhould not only be void, but be deemed treaſon; that if he ſo much as entered any of theſe dominions, he ſhould be deemed guilty of the ſame offence; and that all who ſupported his title ſhould be puniſhed as rebels and traitors. This important bill, which implied baniſhment as well as excluſion, paſſed the lower houſe by a majority of ſeventy-nine.

The commons were not ſo wholly employed about the excluſion bill as to overlook all other ſecurities to liberty. The country party, during all the laſt parliament, had much exclaimed againſt the bribery and corruption of the members; and the ſame reproach had been renewed againſt the preſent parliament. An inquiry was made into a complaint which was ſo dangerous to the honour of that aſſembly; but very little foundation was found for

for it. Sir Stephen Fox, who was the pay-maſter, confeſſed to the houſe that nine members received penſions to the amount of three thouſand four hundred pounds: And after a rigorous inquiry by a ſecret committee, eight more penſioners were diſcovered. A ſum alſo, about twelve thouſand pounds, had been occaſionally given or lent to others. The writers of that age pretend that Clifford and Danby had adopted oppoſite maxims with regard to pecuniary influence. The former endeavoured to gain the leaders and orators of the houſe, and deemed the others of no conſequence. The latter thought it ſufficient to gain a majority, however compoſed. It is likely that the means, rather than the intention, were wanting to both theſe miniſters.

Penſions and bribes, though it be difficult entirely to exclude them, are dangerous expedients for government; and cannot be too carefully guarded againſt, nor too vehemently decried, by every one who has a regard to the virtue and liberty of a nation. The influence, however, which the crown acquires from the diſpoſal of places, honours, and preferments, is to be eſteemed of a different nature. This engine of power may become too forcible, but it cannot altogether be aboliſhed, without the total deſtruction of monarchy, and even of all regular authority. But the commons at this time were ſo jealous of the crown, that they brought in a bill, which was twice read, excluding from the lower houſe all who poſſeſſed any lucrative office.

The ſtanding army and the king's guards were by the commons voted to be illegal: A new pretenſion, it muſt be confeſſed; but neceſſary for the full ſecurity of liberty and a limited conſtitution.

Arbitrary impriſonment is a grievance which, in ſome degree, has place almoſt in every government, except in that of Great Britain; and our abſolute ſecurity from it we owe chiefly to the preſent parliament; a merit which makes ſome atonement for the faction and violence into which their prejudices had, in other particulars, betrayed them. The great charter had laid the foundation of this valuable part of liberty; the petition of right had renew-

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ed and extended it; but ſome proviſions were ſtill wanting to render it complete, and prevent all evaſion or delay from miniſters and judges. The act of *habeas corpus*, which paſſed this ſeſſion, ſerved theſe purpoſes. By this act it was prohibited to ſend any one to a priſon beyond ſea. No judge, under ſevere penalties, muſt refuſe to any priſoner a writ of *habeas corpus*, by which the gaoler was directed to produce in court the body of the priſoner (whence the writ has its name), and to certify the cauſe of his detainer and impriſonment. If the gaol lie within twenty miles of the judge, the writ muſt be obeyed in three days; and ſo proportionably for greater diſtances: Every priſoner muſt be indicted the firſt term after his commitment, and brought to trial in the ſubſequent term. And no man, after being enlarged by order of court, can be recommitted for the ſame offence. This law ſeems neceſſary for the protection of liberty in a mixed monarchy; and as it has not place in any other form of government, this conſideration alone may induce us to prefer our preſent conſtitution to all others. It muſt, however, be confeſſed, that there is ſome difficulty to reconcile with ſuch extreme liberty the full ſecurity and the regular police of a ſtate, eſpecially the police of great cities. It may alſo be doubted whether the low ſtate of the public revenue in this period, and of the military power, did not ſtill render ſome diſcretionary authority in the crown neceſſary to the ſupport of government.

During theſe zealous efforts for the protection of liberty, no complaiſance for the crown was diſcovered by this parliament. The king's revenue lay under great debts and anticipations: Thoſe branches granted in the year 1669 and 1670 were ready to expire: And the fleet was repreſented by the king as in great decay and diſorder. But the commons, inſtead of being affected by theſe diſtreſſes of the crown, truſted chiefly to them for paſſing the excluſion-bill, and for puniſhing and diſplacing all the miniſters who were obnoxious to them. They were therefore in no haſte to relieve the king; and grew only the more aſſuming on account of his complaints and uneaſi-

uneaſineſs. Jealous, however, of the army, they granted the ſame ſum of 206,000 pounds, which had been voted for diſbanding it by the laſt parliament; though the vote, by reaſon of the ſubſequent prorogation and diſſolution, joined to ſome ſcruples of the lords, had not been carried into an act. This money was appropriated by very ſtrict clauſes; but the commons inſiſted not, as formerly, upon its being paid into the chamber of London.

The impeachment of the five popiſh lords in the Tower, with that of the earl of Danby, was carried on with vigour. The power of this miniſter, and his credit with the king, rendered him extremely obnoxious to the popular leaders; and the commons hoped that, if he were puſhed to extremity, he would be obliged, in order to juſtify his own conduct, to lay open the whole intrigue of the French alliance, which they ſuſpected to contain a ſecret of the moſt dangerous nature. The king, on his part, apprehenſive of the ſame conſequences, and deſirous to protect his miniſter, who was become criminal merely by obeying orders, employed his whole intereſt to ſupport the validity of that pardon which had been granted him. The lords appointed a day for the examination of the queſtion, and agreed to hear counſel on both ſides: But the commons would not ſubmit their pretenſions to the diſcuſſion of argument and inquiry. They voted, that whoever ſhould preſume, without their leave, to maintain before the houſe of peers the validity of Danby's pardon, ſhould be accounted a betrayer of the liberties of the Engliſh commons. And they made a demand, that the biſhops, whom they knew to be devoted to the court, ſhould be removed, not only when the trial of the earl ſhould commence, but alſo when the validity of his pardon ſhould be diſcuſſed.

The biſhops before the reformation had always enjoyed a ſeat in parliament: But ſo far were they anciently from regarding that dignity as a privilege, that they affected rather to form a ſeparate order in the ſtate, independent of the civil magiſtrate, and accountable only to the pope and to their own order. By the conſtitutions, however,

however, of Clarendon, enacted during the reign of Henry II. they were obliged to give their preſence in parliament; but as the canon law prohibited them from aſſiſting in capital trials, they were allowed in ſuch caſes the privilege of abſenting themſelves. A practice, which was at firſt voluntary, became afterwards a rule; and on the earl of Strafford's trial, the biſhops, who would gladly have attended, and who were no longer bound by the canon law, were yet obliged to withdraw. It had been uſual for them to enter a proteſt, aſſerting their right to ſit; and this proteſt, being conſidered as a mere form, was always admitted and diſregarded. But here was ſtarted a new queſtion of no ſmall importance. The commons, who were now enabled, by the violence of the people and the neceſſities of the crown, to make new acquiſitions of powers and privileges, inſiſted that the biſhops had no more title to vote in the queſtion of the earl's pardon than in the impeachment itſelf. The biſhops aſſerted that the pardon was merely a preliminary; and that, neither by the canon law nor the practice of parliament, were they ever obliged, in capital caſes, to withdraw till the very commencement of the trial itſelf. If their abſence was conſidered as a privilege, which was its real origin, it depended on their own choice, how far they would inſiſt upon it. If regarded as a diminution of their right of peerage, ſuch unfavourable cuſtoms ought never to be extended beyond the very circumſtace eſtabliſhed by them; and all arguments, from a pretended parity of reaſon, were in that caſe of little or no authority.

The houſe of lords were ſo much influenced by theſe reaſons, that they admitted the biſhops' right to vote, when the validity of the pardon ſhould be examined. The commons inſiſted ſtill on their withdrawing; and thus a quarrel being commenced between the two houſes, the king, who expected nothing but freſh inſtances of violence from this parliament, began to entertain thoughts of laying hold of ſo favourable a pretence, and of finiſhing the ſeſſion by a prorogation. While in this diſpoſition, he was alarmed with ſudden intelligence, that the

houſe of commons was preparing a remonſtrance, in order to inflame the nation ſtill farther upon the favourite topics of the plot and of popery. (27th May.) He haſtened, therefore, to execute his intention, even without conſulting his new council, by whoſe advice he had promiſed to regulate his whole conduct. And thus were diſappointed all the projects of the malcontents, who were extremely enraged at this vigorous meaſure of the king. Shafteſbury publicly threatened that he would have the head of whoever had adviſed it. The parliament was ſoon after diſſolved * without advice of council; and writs were iſſued for a new parliament. The king was willing to try every means which gave a proſpect of more compliance in his ſubjects; and, in caſe of failure, the blame, he hoped, would lie on thoſe whoſe obſtinacy forced him to extremities.

But, even during the receſs of parliament, there was no interruption to the proſecution of the catholics accuſed of the plot: The king found himſelf obliged to give way to this popular fury. Whitebread, provincial of the Jeſuits, Fenwic, Gavan, Turner, and Harcourt, all of them of the ſame order, were firſt brought to their trial. Beſides Oates and Bedloe, Dugdale, a new witneſs, appeared againſt the priſoners. This man had been ſteward to lord Aſton, and, though poor, poſſeſſed a character ſomewhat more reputable than the other two: But his account of the intended maſſacres and aſſaſſinations was equally monſtrous and incredible. He even aſſerted that 200,000 papiſts in England were ready to take arms. The priſoners proved, by ſixteen witneſſes from St. Omers, ſtudents, and moſt of them young men of family, that Oates was in that ſeminary at the time when he ſwore that he was in London: But as they were catholics, and diſciples of the Jeſuits, their teſtimony, both with the judges and jury, was totally diſregarded. Even the reception which they met with in court was full of outrage and mockery. One of them ſaying that Oates always continued at St. Omers, if he could believe

* 10th July.

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his ſenſes; "You papiſts," ſaid the chief juſtice, "are "taught not to believe your ſenſes." It muſt be confeſſed that Oates, in oppoſition to the ſtudents of St. Omers, found means to bring evidence of his having been at that time in London: But this evidence, though it had, at that time, the appearance of ſome ſolidity, was afterwards diſcovered, when Oates himſelf was tried for perjury, to be altogether deceitful. In order farther to diſcredit that witneſs, the Jeſuits proved, by undoubted teſtimony, that he had perjured himſelf in father Ireland's trial, whom they ſhowed to have been in Staffordſhire at the very time when Oates ſwore that he was committing treaſon in London. But all theſe pleas availed them nothing againſt the general prejudices. They received ſentence of death; and were executed, perſiſting to their laſt breath in the moſt ſolemn, earneſt, and deliberate, though diſregarded, proteſtations of their innocence.

The next trial was that of Langhorne, an eminent lawyer, by whom all the concerns of the Jeſuits were managed. Oates and Bedloe ſwore, that all the papal commiſſions by which the chief offices in England were filled with catholics, paſſed through his hands. When verdict was given againſt the priſoner, the ſpectators expreſſed their ſavage joy by loud acclamations. So high indeed had the popular rage mounted, that the witneſſes for this unhappy man, on approaching the court, were almoſt torn in pieces by the rabble: One in particular was bruiſed to ſuch a degree as to put his life in danger: And another, a woman, declared that, unleſs the court could afford her protection, ſhe durſt not give evidence: But as the judges could go no farther than promiſe to puniſh ſuch as ſhould do her any injury, the priſoner himſelf had the humanity to wave her teſtimony.

So far the informers had proceeded with ſucceſs: Their accuſation was hitherto equivalent to a ſentence of death. (18th July.) The firſt check which they received was on the trial of ſir George Wakeman, the queen's phyſician, whom they accuſed of an intention to poiſon the king. It was a ſtrong circumſtance in favour of Wakeman, that Oates, in his firſt information before the council,

had accuſed him only upon hearſay; and when aſked by the chancellor, whether he had any thing farther to charge him with? he added, "God forbid I ſhould ſay "any thing againſt ſir George: For I know nothing "more againſt him." On the trial he gave poſitive evidence of the priſoner's guilt. There were many other circumſtances which favoured Wakeman: But what chiefly contributed to his acquittal, was the connexion of his cauſe with that of the queen, whom no one, even during the higheſt prejudices of the times, could ſincerely believe guilty. The great importance of the trial made men recollect themſelves, and recall that good ſenſe and humanity which ſeemed, during ſome time, to have abandoned the nation. The chief-juſtice himſelf, who had hitherto favoured the witneſſes, exaggerated the plot, and railed againſt the priſoners, was obſerved to be conſiderably mollified, and to give a favourable charge to the jury. Oates and Bedloe had the aſſurance to attack him to his face, and even to accuſe him of partiality before the council. The whole party, who had formerly much extolled his conduct, now made him the object of their reſentment. Wakeman's acquittal was indeed a ſenſible mortification to the furious proſecutors of the plot, and fixed an indelible ſtain upon the witneſſes. But Wakeman, after he recovered his liberty, finding himſelf expoſed to ſuch inveterate enmity, and being threatened with farther proſecutions, thought it prudent to retire beyond ſea; and his flight was interpreted as a proof of guilt, by thoſe who were ſtill reſolved to perſiſt in the belief of the conſpiracy.

The great diſcontents in England, and the refractory diſpoſition of the parliament, drew the attention of the Scottiſh covenanters, and gave them a proſpect of ſome time putting an end to thoſe oppreſſions, under which they had ſo long laboured. It was ſuſpected to have been the policy of Lauderdale and his aſſociates to puſh theſe unhappy men to extremities, and force them into rebellion, with a view of reaping profit from the forfeitures and attainders which would enſue upon it. But the covenanters, aware of this policy, had hitherto

therto forborne all acts of hoſtility, and that tyrannical miniſter had failed of his purpoſe. An incident at laſt happened, which brought on an inſurrection in that country.

The covenanters were much enraged againſt Sharpe, the primate, whom they conſidered as an apoſtate from their principles, and whom they experienced to be an unrelenting perſecutor of all thoſe who diſſented from the eſtabliſhed worſhip. He had an officer under him, one Carmichael, no leſs zealous than himſelf againſt conventicles, and who by his violent proſecutions had rendered himſelf extremely obnoxious to the fanatics. A company of theſe had waylaid him on the road near St. Andrews, with an intention, if not of killing him, at leaſt of chaſtizing him ſo ſeverely as would afterwards render him more cautious in perſecuting the nonconformiſts. (3d May.) While looking out for their prey, they were ſurpriſed at ſeeing the archbiſhop's coach paſs by; and they immediately interpreted this incident as a declaration of the ſecret purpoſe of Providence againſt him. But when they obſerved that almoſt all his ſervants, by ſome accident, were abſent, they no longer doubted but Heaven had here delivered their capital enemy into their hands. Without farther deliberation, they fell upon him; dragged him from his coach; tore him from the arms of his daughter, who interpoſed with cries and tears; and piercing him with redoubled wounds, left him dead on the ſpot, and immediately diſperſed themſelves.

This atrocious action ſerved the miniſtry as a pretence for a more violent perſecution againſt the fanatics, on whom, without diſtinction, they threw the guilt of thoſe furious aſſaſſins. It is indeed certain, that the murder of Sharpe had excited an univerſal joy among the covenanters, and that their blind zeal had often led them, in their books and ſermons, to praiſe and recommend the aſſaſſination of their enemies, whom they conſidered as the enemies of all true piety and godlineſs. The ſtories of Jael and Siſera, of Ehud and Eglon, reſounded from every pulpit. The officers, quartered in

the weſt, received more ſtrict orders to find out and diſperſe all conventicles; and for that reaſon the covenanters, inſtead of meeting in ſmall bodies, were obliged to celebrate their worſhip in numerous aſſemblies, and to bring arms for their ſecurity. At Rutherglen, a ſmall borough near Glaſgow, they openly ſet forth a declaration againſt prelacy; and in the market place burned ſeveral acts of parliament and acts of council, which had eſtabliſhed that mode of eccleſiaſtical government, and had prohibited conventicles. For this inſult on the ſupreme authority, they purpoſely choſe the 29th of May, the anniverſary of the reſtoration; and previouſly extinguiſhed the bonfires which had been kindled for that ſolemnity.

Captain Graham, afterwards viſcount Dundee, an active and enterpriſing officer, attacked a great conventicle upon Loudon-hill, and was repulſed with the loſs of thirty men. The covenanters, finding that they were unwarily involved in ſuch deep guilt, were engaged to perſevere, and to ſeek, from their valour and fortune alone, for that indemnity, which the ſeverity of the government left them no hopes of ever being able otherwiſe to obtain. They puſhed on to Glaſgow; and though at firſt repulſed, they afterwards made themſelves maſters of that city; diſpoſſeſſed the eſtabliſhed clergy; and iſſued proclamations, in which they declared that they fought againſt the king's ſupremacy, againſt popery and prelacy, and againſt a popiſh ſucceſſor.

How accidental ſoever this inſurrection might appear, there is reaſon to ſuſpect that ſome great men, in combination with the popular leaders in England, had ſecretly inſtigated the covenanters to proceed to ſuch extremities, and hoped for the ſame effects that had forty years before enſued from the diſorders in Scotland. The king alſo, apprehenſive of like conſequences, immediately deſpatched thither Monmouth with a ſmall body of Engliſh cavalry. That nobleman joined to theſe troops the Scottiſh guards, and ſome regiments of militia, levied from the well-affected counties; and with great celerity marched in queſt of the rebels. They had taken poſt

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near Bothwel-caſtle, between Hamilton and Glaſgow; where there was no acceſs to them but over a bridge, which a ſmall body was able to defend againſt the king's forces. They ſhowed judgment in the choice of their poſt; but diſcovered neither judgment nor valour in any other ſtep of their conduct. No nobility and few gentry had joined them: The clergy were in reality the generals; and the whole army never exceeded 8000 men. (22d June.) Monmouth attacked the bridge; and the body of rebels, who defended it, maintained their poſt as long as their ammunition laſted. When they ſent for more, they received orders to quit their ground, and to retire backwards. This imprudent meaſure occaſioned an immediate defeat to the covenanters. Monmouth paſſed the bridge without oppoſition, and drew up his forces oppoſite to the enemy. His cannon alone put them to rout. About 700 fell in the purſuit: For properly ſpeaking there was no action. Twelve hundred were taken priſoners; and were treated by Monmouth with a humanity which they had never experienced in their own countrymen. Such of them as would promiſe to live peaceably were diſmiſſed. About three hundred, who were ſo obſtinate as to refuſe this eaſy condition, were ſhipped for Barbadoes; but unfortunately periſhed in the voyage. Two of their clergy were hanged. Monmouth was of a generous diſpoſition; and beſides, aimed at popularity in Scotland. The king intended to entruſt the government of that kingdom in his hands. He had married a Scottiſh lady, heir of a great family, and allied to all the chief nobility. And Lauderdale, as he was now declining in his parts, and was much decayed in his memory, began to loſe with the king that influence which he had maintained during ſo many years; notwithſtanding the efforts of his numerous enemies both in Scotland and England, and notwithſtanding the many violent and tyrannical actions of which he had been guilty. Even at preſent he retained ſo much influence as to poiſon all the good intentions, which the king, either of himſelf or by Monmouth's ſuggeſtion, had formed with regard to Scotland. An act of indemnity

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was granted; but Lauderdale took care that it ſhould be ſo worded as rather to afford protection to himſelf and his aſſociates, than to the unhappy covenanters. And though orders were given to connive thenceforwards at all conventicles, he found means, under a variety of pretences, to elude the execution of them. It muſt be owned however, to his praiſe, that he was the chief perſon, who, by his counſel, occaſioned the expeditious march of the forces and the prompt orders given to Monmouth; and thereby diſappointed all the expectations of the Engliſh malcontents, who, reflecting on the diſpoſition of men's minds in both kingdoms, had entertained great hopes from the progreſs of the Scottiſh inſurrection.

CHAP. LXVIII.

State of parties—State of the miniſtry—Meal-tub plot—Whig and Tory—A new parliament—Violence of the commons—Excluſion-bill—Arguments for and againſt the excluſion—Excluſion-bill rejected—Trial of Staffford—His execution—Violence of the commons—Diſſolution of the parliament—New parliament at Oxford—Fitzharris's caſe—Parliament diſſolved—Victory of the royaliſts.

THE king, obſerving that the whole nation concurred at firſt in the belief and proſecution of the popiſh plot, had found it neceſſary for his own ſafety to pretend, in all public ſpeeches and tranſactions, an entire belief and acquieſcence in that famous abſurdity, and by this artifice he had eluded the violent and irreſiſtible torrent of the people. When a little time and recollection, as well as the execution of the pretended conſpirators, had ſomewhat moderated the general fury, he was now enabled to form a conſiderable party, devoted to the intereſts of the crown, and determined to oppoſe the pretenſions of the malcontents.

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In every mixed government, ſuch as that of England, the bulk of the nation will always incline to preſerve the entire frame of the conſtitution; but according to the various prejudices, intereſts, and diſpoſitions of men, ſome will ever attach themſelves with more paſſion to the regal, others to the popular, part of the government. Though the king, after his reſtoration, had endeavoured to aboliſh the diſtinction of parties, and had choſen his miniſters from among all denominations; no ſooner had he loſt his popularity, and expoſed himſelf to general jealouſy, than he found it neceſſary to court the old cavalier party, and to promiſe them full compenſation for that neglect of which they had hitherto complained. The preſent emergence made it ſtill more neceſſary for him to apply for their ſupport; and there were many circumſtances, which determined them, at this time, to fly to the aſſiſtance of the crown, and to the protection of the royal family.

A party, ſtrongly attached to monarchy, will naturally be jealous of the right of ſucceſſion, by which alone they believe ſtability to be preſerved in the government, and a barrier fixed againſt the encroachments of popular aſſemblies. The project, openly embraced, of excluding the duke, appeared to that party a dangerous innovation: And the deſign, ſecretly projected, of advancing Monmouth, made them apprehenſive, leſt the inconveniencies of a diſputed ſucceſſion ſhould be propagated to all poſterity. While the jealous lovers of liberty maintained, that a king, whoſe title depended on the parliament, would naturally be more attentive to the intereſts, at leaſt to the humours, of the people; the paſſionate admirers of monarchy conſidered all dependance as a degradation of kingly government, and a great ſtep towards the eſtabliſhment of a commonwealth in England.

But though his union with the political royaliſts brought great acceſſion of force to the king, he derived no leſs ſupport from the confederacy, which he had, at this time, the addreſs to form with the church of England. He repreſented to the eccleſiaſtics the great number of preſbyterians and other ſectaries, who had entered into

into the popular party; the encouragement and favour which they met with; the loudneſs of their cries with regard to popery and arbitrary power. And he made the eſtabliſhed clergy and their adherents apprehend, that the old ſcheme for the abolition of prelacy as well as monarchy was revived, and that the ſame miſeries and oppreſſions awaited them, to which, during the civil wars and uſurpations, they had ſo long been expoſed.

The memory alſo of thoſe diſmal times united many indifferent and impartial perſons to the crown, and begat a dread leſt the zeal for liberty ſhould engraft itſelf on fanaticiſm, and ſhould once more kindle a civil war in the kingdom. Had not the king ſtill retained the prerogative of diſſolving the parliament, there was indeed reaſon to apprehend the renewal of all the pretenſions and violences which had uſhered in the laſt commotions. The one period appeared an exact counterpart to the other: But ſtill diſcerning judges could perceive, both in the ſpirit of the parties and in the genius of the prince, a material difference; by means of which Charles was enabled at laſt, though with the imminent peril of liberty, to preſerve the peace of the nation.

The cry againſt popery was loud; but it proceeded leſs from religious than from party zeal, in thoſe who propagated, and even in thoſe who adopted it. The ſpirit of enthuſiaſm had occaſioned ſo much miſchief, and had been ſo ſucceſsfully exploded, that it was not poſſible, by any artifice, again to revive and ſupport it. Cant had been ridiculed; hypocriſy detected; the pretenſions to a more thorough reformation, and to greater purity, had become ſuſpicious; and inſtead of denominating themſelves the *godly* party, the appellation affected at the beginning of the civil wars, the preſent patriots were content with calling themſelves the *good* and the *honeſt* party! A ſure prognoſtic, that their meaſures were not to be ſo furious, nor their pretenſions ſo exorbitant.

The king too, though not endowed with the integrity and ſtrict principles of his father, was happy in a more amiable

amiable manner, and more popular addreſs. Far from being diſtant, ſtately, or reſerved, he had not a grain of pride or vanity in his whole compoſition; but was the moſt affable, beſt-bred man alive. He treated his ſubjects like noblemen, like gentlemen, like freemen; not like vaſſals or boors. His profeſſions were plauſible, his whole behaviour engaging; ſo that he won upon the hearts, even while he loſt the good opinion of his ſubjects, and often balanced their judgment of things by their perſonal inclination. In his public conduct likewiſe, though he had ſometimes embraced meaſures dangerous to the liberty and religion of his people, he had never been found to perſevere obſtinately in them, but had always returned into that path which their united opinion ſeemed to point out to him. And upon the whole, it appeared to many, cruel and even iniquitous, to remark too rigorouſly the failings of a prince, who diſcovered ſo much facility in correcting his errors, and ſo much lenity in pardoning the offences committed againſt himſelf.

The general affection borne the king appeared ſignally about this time. He fell ſick at Windſor; and had two or three fits of a fever, ſo violent as made his life be thought in danger. A general conſternation ſeized all ranks of men, increaſed by the apprehenſions entertained of his ſucceſſor. In the preſent diſpoſition of men's minds, the king's death, to uſe an expreſſion of ſir William Temple, was regarded as the end of the world. The malcontents, it was feared, would proceed to extremities, and immediately kindle a civil war in the kingdom. Either their entire ſucceſs, or entire failure, or even the balance and conteſt of parties, ſeemed all of them events equally fatal. The king's chief counſellors therefore, Eſſex, Halifax, and Sunderland, who ſtood on bad terms with Shafteſbury and the popular party, adviſed him to ſend ſecretly for the duke, that, in caſe of any ſiniſter accident, that prince might be ready to aſſert his right againſt the oppoſition which he was likely to meet with. When the duke arrived, he found his brother out of danger; and it was agreed

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to conceal the invitation which he had received. (2d Sept.) His journey, however, was attended with important conſequences. He prevailed on the king to diſgrace Monmouth, whoſe projects were now known and avowed; to deprive him of his command in the army; and to ſend him beyond ſea. He himſelf returned to Bruſſels; but made a ſhort ſtay in that place. He obtained leave to retire to Scotland, under pretence ſtill of quieting the apprehenſions of the Engliſh nation; but in reality with a view of ſecuring that kingdom in his intereſts.

Though Eſſex and Halifax had concurred in the reſolution of inviting over the duke, they ſoon found, that they had not obtained his confidence, and that even the king, while he made uſe of their ſervice, had no ſincere regard for their perſons. Eſſex in diſguſt reſigned the treaſury: Halifax retired to his country-ſeat: Temple, deſpairing of any accommodation among ſuch enraged parties, withdrew almoſt entirely to his books and his gardens. The king, who changed miniſters as well as meaſures with great indifference, beſtowed at this time the chief confidence on Hyde, Sunderland, and Godolphin. Hyde ſucceeded Eſſex in the treaſury.

All the king's miniſters, as well as himſelf, were extremely averſe to the meeting of the new parliament, which they expected to find as refractory as any of the preceding. The elections had gone moſtly in favour of the country party. The terrors of the plot had ſtill a mighty influence over the populace; and the apprehenſions of the duke's bigotted principles and arbitrary character weighed with men of ſenſe and reflection. The king therefore reſolved to prorogue the parliament, that he might try, whether time might allay thoſe humours, which, by every other expedient, he had in vain attempted to mollify. In this meaſure he did not expect the concurrence of his council. He knew that thoſe popular leaders, whom he had admitted, would zealouſly oppoſe a reſolution, which diſconcerted all their ſchemes; and that the royaliſts would not dare, by ſupporting it, to expoſe themſelves to the vengeance of th:

the parliament, when it ſhould be aſſembled. Theſe reaſons obliged him to take this ſtep entirely of himſelf; and he only declared his reſolution in council. It is remarkable, that, though the king had made profeſſion never to embrace any meaſure without the advice of theſe counſellors, he had often broken that reſolution, and had been neceſſitated, in affairs of the greateſt conſequence, to control their opinion. Many of them in diſguſt threw up about this time; particularly lord Ruſſel, the moſt popular man in the nation; as well from the mildneſs and integrity of his character, as from his zealous attachment to the religion and liberties of his country. Though carried into ſome exceſſes, his intentions were ever eſteemed upright; and being heir to the greateſt fortune in the kingdom, as well as void of ambition, men believed that nothing but the laſt neceſſity could ever engage him to embrace any deſperate meaſures. Shafteſbury, who was, in moſt particulars, of an oppoſite character, was removed by the king from the office of preſident of the council; and the earl of Radnor, a man who poſſeſſed whimſical talents and ſplenetic virtues, was ſubſtituted in his place.

It was the favour and countenance of the parliament, which had chiefly encouraged the rumour of plots; but the nation had gotten ſo much into that vein of credulity, and every neceſſitous villain was ſo much incited by the ſucceſs of Oates and Bedloe, that, even during the prorogation, the people were not allowed to remain in tranquillity. There was one Dangerfield, a fellow who had been burned in the hand for crimes, tranſported, whipped, pilloried four times, fined for cheats, outlawed for felony, convicted of coining, and expoſed to all the public infamy which the laws could inflict on the baſeſt and moſt ſhameful enormities. The credulity of the people, and the humour of the times, enabled even this man to become a perſon of conſequence. He was the author of a new incident, called the *meal-tub plot*, from the place where ſome papers relating to it, were found. The bottom of this affair it is difficult, and not very material, to diſcover. It only appears, that

Dangerfield, under pretence of betraying the conſpiracies of the preſbyterians, had been countenanced by ſome catholics of condition, and had even been admitted to the duke's preſence and the king's: And that, under pretence of revealing new popiſh plots, he had obtained acceſs to Shafteſbury and ſome of the popular leaders. Which ſide he intended to cheat, is uncertain; or whether he did not rather mean to cheat both: But he ſoon found that the belief of the nation was more open to a popiſh than a preſbyterian plot; and he reſolved to ſtrike in with the prevailing humour. Though no weight could be laid on his teſtimony, great clamour was raiſed; as if the court, by way of retaliation, had intended to load the preſbyterians with the guilt of a falſe conſpiracy. It muſt be confeſſed that the preſent period, by the prevalence and ſuſpicion of ſuch mean and ignoble arts on all ſides, throws a great ſtain on the Britiſh annals.

One of the moſt innocent artifices, practiſed by party men at this time, was the additional ceremony, pomp, and expenſe, with which a pope-burning was celebrated in London *: The ſpectacle ſerved to entertain, and amuſe, and inflame, the populace. The duke of Monmouth likewiſe came over without leave, and made a triumphant proceſſion through many parts of the kingdom, extremely careſſed and admired by the people. All theſe arts ſeemed requiſite to ſupport the general prejudices, during the long interval of parliament. Great endeavours were alſo uſed to obtain the king's conſent for the meeting of that aſſembly. (1680.) Seventeen peers preſented a petition to this purpoſe. Many of the corporations imitated the example. Notwithſtanding ſeveral marks of diſpleaſure, and even a menacing proclamation from the king, petitions came from all parts, earneſtly inſiſting on a ſeſſion of parliament. The danger of popery, and the terrors of the plot, were never forgotten in any of theſe addreſſes.

* 17th November.

Tumul-

Tumultuous petitioning was one of the chief artifices by which the malcontents in the laſt reign had attacked the crown: And though the manner of ſubſcribing and delivering petitions was now ſomewhat regulated by act of parliament, the thing itſelf ſtill remained; and was an admirable expedient for infeſting the court, for ſpreading diſcontent, and for uniting the nation in any popular clamour. As the king found no law, by which he could puniſh thoſe importunate, and, as he deemed them, undutiful ſolicitations, he was obliged to encounter them by popular applications of a contrary tendency. Wherever the church and court party prevailed, addreſſes were framed, containing expreſſions of the higheſt regard to his majeſty, the moſt entire acquieſcence in his wiſdom, the moſt dutiful ſubmiſſion to his prerogative, and the deepeſt *abhorrence* of thoſe who endeavoured to encroach upon it, by preſcribing to him any time for aſſembling the parliament. Thus the nation came to be diſtinguiſhed into *petitioners* and *abhorrers*. Factions indeed were at this time extremely animated againſt each other. The very names, by which each party denominated its antagoniſt, diſcover the virulence and rancour which prevailed. For beſides petitioner and abhorrer, appellations which were ſoon forgotten, this year is remarkable for being the epoch of the well-known epithets of WHIG and TORY, by which, and ſometimes without any material difference, this iſland has been ſo long divided. The court party reproached their antagoniſts with their affinity to the fanatical conventiclers in Scotland, who were known by the name of Whigs: The country party found a reſemblance between the courtiers and the popiſh banditti in Ireland, to whom the appellation of Tory was affixed. And after this manner, theſe fooliſh terms of reproach came into public and general uſe; and even at preſent ſeem not nearer their end than when they were firſt invented.

The king uſed every art to encourage his partiſans, and to reconcile the people to his government. He perſevered in the great zeal which he affected againſt

popery. He even allowed ſeveral prieſts to be put to death, for no other crime than their having received orders in the Romiſh church. It is ſingular, that one of them, called Evans, was playing at tennis, when the warrant for his immediate execution was notified to him: He ſwore, that he would play out his ſet firſt. Charles, with the ſame view of acquiring popularity, formed an alliance with Spain, and alſo offered an alliance to Holland: But the Dutch, terrified with the great power of France, and ſeeing little reſource in a country ſo diſtracted as England, declined acceptance. He had ſent for the duke from Scotland, but deſired him to return, when the time of aſſembling the parliament began to approach.

It was of great conſequence to the popular party, while the meeting of parliament depended on the king's will, to keep the law, whoſe operations are perpetual, entirely on their ſide. The ſheriffs of London by their office return the juries: It had been uſual for the mayor to nominate one ſheriff by drinking to him; and the common-hall had ever without diſpute confirmed the mayor's choice. Sir Robert Clayton, the mayor, appointed one who was not acceptable to the popular party: The common-hall rejected him; and Bethel and Corniſh, two independents, and republicans, and of conſequence deeply engaged with the malcontents, were choſen by a majority of voices. In ſpite of all remonſtrances and oppoſition, the citizens perſiſted in their choice; and the court party was obliged for the preſent to acquieſce.

Juries however were not ſo partial in the city, but that reaſon and juſtice, even when the popiſh plot was in queſtion, could ſometimes prevail. (23d June.) The earl of Caſtlemaine, huſband to the dutcheſs of Cleveland, was acquitted about this time, though accuſed by Oates and Dangerfield of an intention to aſſaſſinate the king. Sir Thomas Gaſcoigne, a very aged gentleman in the north, being accuſed by two ſervants, whom he had diſmiſſed for diſhoneſty, received a like verdict. Theſe trials were great blows to the plot, which now began to ſtagger,

ſtagger, in the judgment of moſt men, except thoſe who were entirely devoted to the country party. But in order ſtill to keep alive the zeal againſt popery, the earl of Shafteſbury appeared in Weſtminſter-hall, attended by the earl of Huntingdon, the lords Ruſſel, Cavendiſh, Gray, Brandon, ſir Henry Caverly, ſir Gilbert Gerrard, ſir William Cooper, and other perſons of diſtinction, and preſented to the grand jury of Middleſex reaſons for indicting the duke of York as a popiſh recuſant. While the jury were deliberating on this extraordinary preſentment, the chief-juſtice ſent for them, and ſuddenly, even ſomewhat irregularly, diſmiſſed them. Shafteſbury however obtained the end for which he had undertaken this bold meaſure: He ſhowed to all his followers the deſperate reſolution which he had embraced, never to admit of any accommodation or compoſition with the duke. By ſuch daring conduct he gave them aſſurance, that he was fully determined not to deſert their cauſe; and he engaged them to a like devoted perſeverance in all the meaſures which he ſhould ſuggeſt to them.

As the kingdom was regularly and openly divided into two zealous parties, it was not difficult for the king to know, that the majority of the new houſe of commons was engaged in intereſts oppoſite to the court: But that he might leave no expedient untried, which could compoſe the unhappy differences among his ſubjects, he reſolved, at laſt, after a long interval, to aſſemble the parliament *. In his ſpeech, he told them that the ſeveral prorogations which he had made, had been very advantageous to his neighbours, and very uſeful to himſelf: That he had employed that interval in perfecting with the crown of Spain an alliance, which had often been deſired by former parliaments, and which, he doubted not, would be extremely agreeable to them: That, in order to give weight to this meaſure, and render it beneficial to Chriſtendom, it was neceſſary to avoid all domeſtic diſſenſions, and to unite themſelves

* 21ſt October.

firmly in the ſame views and purpoſes: That he was determined that nothing on his part ſhould be wanting to ſuch a ſalutary end; and provided the ſucceſſion were preſerved in its due and legal courſe, he would concur in any expedient for the ſecurity of the proteſtant religion: That the farther examination of the popiſh plot and the puniſhment of the criminals were requiſite for the ſafety both of king and kingdom: And after recommending to them the neceſſity of providing, by ſome ſupplies, for the ſafety of Tangiers, he proceeded in theſe words: "But that which I value above all "the treaſure in the world, and which I am ſure will "give us greater ſtrength and reputation both at home "and abroad than any treaſure can do, is a perfect "union among ourſelves. Nothing but this can reſtore "the kingdom to that ſtrength and vigour which it "ſeems to have loſt, and raiſe us again to that conſi- "deration which England hath uſually poſſeſſed. All "Europe have their eyes upon this aſſembly, and think "their own happineſs and miſery, as well as ours, "will depend upon it. If we ſhould be ſo unhappy as "to fall into miſunderſtandings among ourſelves to that "degree as would render our friendſhip unſafe to truſt "to, it will not be wondered at, if our neighbours "ſhould begin to take new reſolutions, and perhaps "ſuch as may be fatal to us. Let us therefore take "care that we do not gratify our enemies, and diſ- "courage our friends, by any unſeaſonable diſputes. "If any ſuch do happen, the world will ſee that it is "no fault of mine: For I have done all that it was "poſſible for me to do, to keep you in peace while I "live, and to leave you ſo when I die. But from ſo "great prudence and ſo good affection as yours, I can "fear nothing of this kind; but do rely upon you all, "that you will do your beſt endeavours to bring this "parliament to a good and happy concluſion."

All theſe mollifying expreſſions had no influence with the commons. Every ſtep which they took betrayed the zeal with which they were animated. They voted that it was the undoubted right of the ſubject to petition the king

king for the calling and ſitting of parliament. Not content with this deciſion, which ſeems juſtifiable in a mixed monarchy, they fell with the utmoſt violence on all thoſe *abhorrers*, who, in their addreſſes to the crown, had expreſſed their diſapprobation of thoſe petitions. They did not reflect that it was as lawful for one party of men as for another, to expreſs their ſenſe of public affairs; and that the beſt eſtabliſhed right may, in particular circumſtances, be abuſed, and even the exerciſe of it become an object of abhorrence. For this offence, they expelled ſir Thomas Withens. They appointed a committee for farther inquiry into ſuch members as had been guilty of a like crime; and complaints were lodged againſt lord Paſton, ſir Robert Malverer, ſir Bryan Stapleton, Taylor, and Turner. They addreſſed the king againſt ſir George Jefferies, recorder of London, for his activity in the ſame cauſe; and they frightened him into a reſignation of his office, in which he was ſucceeded by ſir George Treby, a great leader of the popular party. They voted an impeachment againſt North, chief-juſtice of the common pleas, for drawing the proclamation againſt tumultuous petitions: But upon examination found the proclamation ſo cautiouſly worded, that it afforded them no handle againſt him. A petition had been preſented to the king from Taunton. "How dare you "deliver me ſuch a paper?" ſaid the king to the perſon who preſented it. "Sir," replied he, "my name is "DARE." For this ſaucy reply, but under other pretences, he had been tried, fined, and committed to priſon. The commons now addreſſed the king for his liberty, and for remitting his fine. Some printers alſo and authors of ſeditious libels they took under their protection.

Great numbers of the abhorrers, from all parts of England, were ſeized by order of the commons, and committed to cuſtody. The liberty of the ſubject, which had been ſo carefully guarded by the great charter, and by the late law of habeas corpus, was every day violated by their arbitrary and capricious commitments. The chief jealouſy, it is true, of the Engliſh conſtitution is

is naturally and juſtly directed againſt the crown; nor indeed have the commons any other means of ſecuring their privileges than by commitments, which, as they cannot beforehand be exactly determined by law, muſt always appear in ſome degree arbitrary. Senſible of theſe reaſons, the people had hitherto, without murmuring, ſeen this diſcretionary power exerciſed by the houſe: But as it was now carried to exceſs, and was abuſed to ſerve the purpoſes of faction, great complaints againſt it were heard from all quarters. At laſt, the vigour and courage of one Stowel of Exeter, an abhorrer, put an end to the practice. He refuſed to obey the ſerjeant at arms, ſtood upon his defence, and ſaid that he knew of no law by which they pretended to commit him. The houſe, finding it equally dangerous to proceed or to recede, got off by an evaſion: They inſerted in their votes, that Stowel was indiſpoſed, and that a month's time was allowed him for the recovery of his health.

But the chief violence of the houſe of commons appeared in all their tranſactions with regard to the plot, which they proſecuted with the ſame zeal and the ſame credulity as their predeceſſors. They renewed the former vote, which affirmed the reality of the horrid popiſh plot; and, in order the more to terrify the people, they even aſſerted that, notwithſtanding the diſcovery, the plot ſtill ſubſiſted. They expelled ſir Robert Can, and ſir Robert Yeomans, who had been complained of, for ſaying that there was no popiſh, but there was a preſbyterian, plot. And they greatly lamented the death of Bedloe, whom they called a material witneſs, and on whoſe teſtimony they much depended. He had been ſeized with a fever at Briſtol; had ſent for chief-juſtice North; confirmed all his former evidence, except that with regard to the duke and the queen; and deſired North to apply to the king for ſome money to relieve him in his neceſſities. A few days after he expired; and the whole party triumphed extremely in theſe circumſtances of his death: As if ſuch a teſtimony could be deemed the affirmation of a dying man, as if his confeſſion of perjury in ſome inſtances could aſſure his veracity in the reſt, and

and as if the perſeverance of one profligate could outweigh the laſt words of ſo many men, guilty of no crime but that of popery.

The commons even endeavoured, by their countenance and protection, to remove the extreme infamy with which Dangerfield was loaded, and to reſtore him to the capacity of being an evidence. The whole tribe of informers they applauded and rewarded: Jenniſon, Turberville, Dugdale, Smith, la Faria, appeared before them; and their teſtimony, however frivolous or abſurd, met with a favourable reception: The king was applied to in their behalf for penſions and pardons: Their narratives were printed with that ſanction which aroſe from the approbation of the houſe: Dr. Tongue was recommended for the firſt conſiderable church preferment which ſhould become vacant. Conſidering men's determined reſolution to believe, inſtead of admiring that a palpable falſehood ſhould be maintained by witneſſes, it may juſtly appear wonderful, that no better evidence was ever produced againſt the catholics.

The principal reaſons, which ſtill ſupported the clamour of the popiſh plot, were the apprehenſions entertained by the people of the duke of York, and the reſolution embraced by their leaders, of excluding him from the throne. Shafteſbury and many conſiderable men of the party, had rendered themſelves irreconcilable with him, and could find their ſafety no way but in his ruin. Monmouth's friends hoped that the excluſion of that prince would make way for their patron. The reſentment againſt the duke's apoſtacy, the love of liberty, the zeal for religion, the attachment to faction, all theſe motives incited the country party. And above all, what ſupported the reſolution of adhering to the excluſion, and rejecting all other expedients offered, was the hope artfully encouraged, that the king would at laſt be obliged to yield to their demand. His revenues were extremely burdened; and even if free, could ſcarcely ſuffice for the neceſſary charges of government, much leſs for that pleaſure and expenſe to which he was inclined. Though he had withdrawn his countenance from Monmouth,

mouth, he was known ſecretly to retain a great affection for him. On no occaſion had he ever been found to perſiſt obſtinately againſt difficulties and importunity. And as his beloved miſtreſs, the dutcheſs of Portſmouth, had been engaged, either from lucrative views, or the hopes of making the ſucceſſion fall on her own children, to unite herſelf with the popular party; this incident was regarded as a favourable prognoſtic of their ſucceſs. Sunderland, ſecretary of ſtate, who had linked his intereſt with that of the dutcheſs, had concurred in the ſame meaſure.

But beſides friendſhip for his brother and a regard to the right of ſucceſſion, there were many ſtrong reaſons which had determined Charles to perſevere in oppoſing the excluſion. All the royaliſts and the devotees to the church; that party by which alone monarchy was ſupported; regarded the right of ſucceſſion as inviolable; and if abandoned by the king in ſo capital an article, it was to be feared that they would, in their turn, deſert his cauſe, and deliver him over to the pretenſions and uſurpations of the country party. The country party, or the whigs, as they were called, if they did not ſtill retain ſome propenſity towards a republic, were at leaſt affected with a violent jealouſy of regal power; and it was equally to be dreaded, that, being enraged with paſt oppoſition, and animated by preſent ſucceſs, they would, if they prevailed in this pretenſion, be willing, as well as able, to reduce the prerogative within very narrow limits. All menaces, therefore, all promiſes were again employed againſt the king's reſolution: He never would be prevailed on to deſert his friends, and put himſelf into the hands of his enemies. And having voluntarily made ſuch important conceſſions, and tendered, over and over again, ſuch ſtrong limitations, he was well pleaſed to find them rejected by the obſtinacy of the commons; and hoped that, after the ſpirit of oppoſition had ſpent itſelf in fruitleſs violence, the time would come, when he might ſafely appeal againſt his parliament to his people.

So much were the popular leaders determined to carry matters to extremities, that in leſs than a week after the commence-

commencement of the ſeſſion, a motion was made for bringing in an excluſion-bill, and a committee was appointed for that purpoſe. This bill differed in nothing from the former, but in two articles, which ſhowed ſtill an increaſe of zeal in the commons: The bill was to be read to the people twice a-year in all the churches of the kingdom, and every one who ſhould ſupport the duke's title was rendered incapable of receiving a pardon but by act of parliament.

The debates were carried on with great violence on both ſides. The bill was defended by ſir William Jones, who had now reſigned his office of attorney-general, by lord Ruſſel, by ſir Francis Winnington, ſir Harry Capel, ſir William Pulteney, by colonel Titus, Treby, Hambden, Montague. It was oppoſed by ſir Leoline Jenkins, ſecretary of ſtate, ſir John Ernley, chancellor of the exchequer, by Hyde, Seymour, Temple. The arguments, tranſmitted to us, may be reduced to the following topics.

In every government, ſaid the excluſioniſts, there is ſomewhere an authority abſolute and ſupreme; nor can any determination, how unuſual ſoever, which receives the ſanction of the legiſlature, admit afterwards of diſpute or control. The liberty of a conſtitution, ſo far from diminiſhing this abſolute power, ſeems rather to add force to it, and to give it greater influence over the people. The more members of the ſtate concur in any legiſlative deciſion, and the more free their voice, the leſs likelihood is there that any oppoſition will be made to thoſe meaſures which receive the final ſanction of their authority. In England, the legiſlative power is lodged in king, lords, and commons, which comprehend every order of the community: And there is no pretext for exempting any circumſtance of government, not even the ſucceſſion of the crown, from ſo full and deciſive a juriſdiction. Even expreſs declarations have, in this particular, been made of parliamentary authority: Inſtances have occurred where it has been exerted: And though prudential reaſons may juſtly be alleged why ſuch innovations ſhould not be attempted but on extraordinary occaſions,

caſions, the power and right are for ever veſted in the community. But if any occaſion can be deemed extraordinary, if any emergence can require unuſual expedients, it is the preſent; when the heir to the crown has renounced the religion of the ſtate, and has zealouſly embraced a faith totally hoſtile and incompatible A prince of that communion can never put truſt in a people ſo prejudiced againſt him: The people muſt be equally diffident of ſuch a prince: Foreign and deſtructive alliances will ſeem to one the only protection of his throne: Perpetual jealouſy, oppoſition, faction, even inſurrections, will be employed by the other as the ſole ſecurities for their liberty and religion. Though theological principles, when ſet in oppoſition to paſſions, have often ſmall influence on mankind in general, ſtill leſs on princes; yet when they become ſymbols of faction, and marks of party diſtinctions, they concur with one of the ſtrongeſt paſſions in the human frame, and are then capable of carrying men to the greateſt extremities. Notwithſtanding the better judgment and milder diſpoſition of the king; how much has the influence of the duke already diſturbed the tenour of government? How often engaged the nation into meaſures totally deſtructive of their foreign intereſts and honour, of their domeſtic repoſe and tranquillity? The more the abſurdity and incredibility of the popiſh plot are inſiſted on, the ſtronger reaſon it affords for the excluſion of the duke; ſince the univerſal belief of it diſcovers the extreme antipathy of the nation to his religion, and the utter impoſſibility of ever bringing them to acquieſce peaceably under the dominion of ſuch a ſovereign. The prince, finding himſelf in ſo perilous a ſituation, muſt ſeek for ſecurity by deſperate remedies, and by totally ſubduing the privileges of a nation which had betrayed ſuch hoſtile diſpoſitions towards himſelf, and towards every thing which he deems the moſt ſacred. It is in vain to propoſe limitations and expedients. Whatever ſhare of authority is left in the duke's hands, will be employed to the deſtruction of the nation; and even the additional reſtraints, by diſcovering the public diffidence and averſion, will ſerve him as incite-

incitements to put himſelf in a condition entirely ſuperior and independent. And as the laws of England ſtill make reſiſtance treaſon, and neither do nor can admit of any poſitive exceptions; what folly to leave the kingdom in ſo perilous and abſurd a ſituation; where the greateſt virtue will be expoſed to the moſt ſevere proſcription, and where the laws can only be ſaved by expedients, which theſe ſame laws have declared the higheſt crime and enormity?

The court party reaſoned in an oppoſite manner. An authority, they ſaid, wholly abſolute and uncontrollable is a mere chimera, and is nowhere to be found in any human inſtitutions. All government is founded on opinion and a ſenſe of duty; and wherever the ſupreme magiſtrate, by any law or poſitive preſcription, ſhocks an opinion regarded as fundamental, and eſtabliſhed with a firmneſs equal to that of his own authority, he ſubverts the principle by which he himſelf is eſtabliſhed, and can no longer hope for obedience. In European monarchies, the right of ſucceſſion is juſtly eſteemed a fundamental; and even though the whole legiſlature be veſted in a ſingle perſon, it would never be permitted him, by an edict, to diſinherit his lawful heir, and call a ſtranger or more diſtant relation to the throne. Abuſes in other parts of government are capable of redreſs, from more diſpaſſionate inquiry or better information of the ſovereign, and till then ought patiently to be endured: But violations of the right of ſucceſſion draw ſuch terrible conſequences after them as are not to be paralleled by any other grievance or inconvenience. Vainly it is pleaded, that England is a mixed monarchy; and that a law, aſſented to by king, lords, and commons, is enacted by the concurrence of every part of the ſtate: It is plain that there remains a very powerful party, who may indeed be outvoted, but who never will deem a law, ſubverſive of hereditary right, anywiſe valid or obligatory. Limitations, ſuch as are propoſed by the king, give no ſhock to the conſtitution, which, in many particulars, is already limited; and they may be ſo calculated as to ſerve every purpoſe ſought for by an excluſion. If the ancient bar-

riers againſt regal authority have been able, during ſo many ages, to remain impregnable; how much more, thoſe additional ones, which, by depriving the monarch of power, tend ſo far to their own ſecurity? The ſame jealouſy too of religion, which has engaged the people to lay theſe reſtraints upon the ſucceſſor, will extremely leſſen the number of his partiſans, and make it utterly impracticable for him, either by force or artifice, to break the fetters impoſed upon him. The king's age and vigorous ſtate of health promiſe him a long life: And can it be prudent to tear in pieces the whole ſtate, in order to provide againſt a contingency, which, it is very likely, may never happen? No human ſchemes can ſecure the public in all poſſible imaginable events; and the bill of excluſion itſelf, however accurately framed, leaves room for obvious and natural ſuppoſitions, to which it pretends not to provide any remedy. Should the duke have a ſon, after the king's death, muſt that ſon, without any default of his own, forfeit his title? Or muſt the princeſs of Orange deſcend from the throne, in order to give place to the lawful ſucceſſor? But were all theſe reaſonings falſe, it ſtill remains to be conſidered that, in public deliberations, we ſeek not the expedient which is beſt in itſelf, but the beſt of ſuch as are practicable. The king willingly conſents to limitations, and has already offered ſome which are of the utmoſt importance: But he is determined to endure any extremity rather than allow the right of ſucceſſion to be invaded. Let us beware of that factious violence, which leads to demand more than will be granted; leſt we loſe the advantage of thoſe beneficial conceſſions, and leave the nation, on the king's demiſe, at the mercy of a zealous prince, irritated with the ill uſage which, he imagines, he has already met with.

In the houſe of commons, the reaſoning of the excluſioniſts appeared the more convincing; and the bill paſſed by a great majority. It was in the houſe of peers that the king expected to oppoſe it with ſucceſs. The court party there was ſo prevalent, that it was carried only by a majority of two to pay ſo much regard to the bill as

even

even to commit it. When it came to be debated *, the conteſt was violent. Shafteſbury, Sunderland, and Eſſex, argued for it: Halifax chiefly conducted the debate againſt it, and diſplayed an extent of capacity, and a force of eloquence, which had never been ſurpaſſed in that aſſembly. He was animated, as well by the greatneſs of the occaſion, as by a rivalſhip with his uncle Shafteſbury; whom, during that day's debate, he ſeemed, in the judgment of all, to have totally eclipſed. The king was preſent during the whole debate, which was prolonged till eleven at night. The bill was thrown out by a conſiderable majority. All the biſhops, except three, voted againſt it. Beſides the influence of the court over them; the church of England, they imagined or pretended, was in greater danger from the prevalence of preſbyterianiſm than of popery, which, though favoured by the duke, and even by the king, was extremely repugnant to the genius of the nation.

The commons diſcovered much ill-humour upon this diſappointment. They immediately voted an addreſs for the removal of Halifax from the king's councils and preſence for ever. Though the pretended cauſe was his adviſing the late frequent prorogations of parliament, the real reaſon was apparently his vigorous oppoſition to the excluſion-bill. When the king applied for money to enable him to maintain Tangiers, which he declared his preſent revenues totally unable to defend; inſtead of complying, they voted ſuch an addreſs as was in reality a remonſtrance, and one little leſs violent than that famous remonſtrance, which uſhered in the civil wars. All the abuſes of government, from the beginning almoſt of the reign, are there inſiſted on; the Dutch war, the alliance with France, the prorogations and diſſolutions of parliament; and as all theſe meaſures, as well as the *damnable* and *belliſh* plot, are there aſcribed to the machinations of papiſts, it was plainly inſinuated that the king had, all along, lain under the influence of that

* 15th November.

party, and was in reality the chief conſpirator againſt the religion and liberties of his people.

The commons, though they conducted the great buſineſs of the excluſion with extreme violence and even imprudence, had yet much reaſon for the jealouſy which gave riſe to it: But their vehement proſecution of the popiſh plot, even after ſo long an interval, diſcovers ſuch a ſpirit, either of credulity or injuſtice, as admits of no apology. The impeachment of the catholic lords in the Tower was revived; and as viſcount Stafford, from his age, infirmities, and narrow capacity, was deemed the leaſt capable of defending himſelf, it was determined to make him the firſt victim, that his condemnation might pave the way for a ſentence againſt the reſt. The chancellor, now created earl of Nottingham, was appointed high ſteward for conducting the trial.

(30th Nov.) Three witneſſes were produced againſt the priſoner; Oates, Dugdale, and Turberville. Oates ſwore, that he ſaw Fenwic, the Jeſuit, deliver to Stafford a commiſſion ſigned by de Oliva, general of the Jeſuits, appointing him pay-maſter to the papal army, which was to be levied for the ſubduing of England: For this ridiculous impoſture ſtill maintained its credit with the commons. Dugdale gave teſtimony, that the priſoner, at Tixal, a ſeat of lord Aſton's, had endeavoured to engage him in the deſign of murdering the king; and had promiſed him, beſides the honour of being ſainted by the church, a reward of 500 pounds for that ſervice. Turberville depoſed, that the priſoner, in his own houſe at Paris, had made him a like propoſal. To offer money for murdering a king, without laying down any ſcheme by which the aſſaſſin may enſure ſome probability or poſſibility of eſcape, is ſo incredible in itſelf, and may ſo eaſily be maintained by any proſtitute evidence, that an accuſation of that nature, not accompanied with circumſtances, ought very little to be attended to by any court of judicature. But notwithſtanding the ſmall hold which the witneſſes afforded, the priſoner was able, in many material particulars, to diſcredit their teſtimony.

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It was ſworn by Dugdale, that Stafford had aſſiſted in a great conſult of the catholics held at Tixal; but Stafford proved by undoubted teſtimony, that at the time aſſigned he was in Bath, and in that neighbourhood. Turberville had ſerved a noviciate among the Dominicans; but having deſerted the convent, he had enliſted as a trooper in the French army; and being diſmiſſed that ſervice, he now lived in London, abandoned by all his relations, and expoſed to great poverty. Stafford proved, by the evidence of his gentleman and his page, that Turberville had never, either at Paris or at London, been ſeen in his company; and it might juſtly appear ſtrange, that a perſon, who had ſo important a ſecret in his keeping, was ſo long entirely neglected by him.

The clamour and outrage of the populace, during the trial, were extreme: Great abilities and eloquence were diſplayed by the managers, ſir William Jones, ſir Francis Winnington, and ſerjeant Maynard: Yet did the priſoner, under all theſe diſadvantages, make a better defence than was expected, either by his friends or his enemies: The unequal conteſt in which he was engaged, was a plentiful ſource of compaſſion to every mind ſeaſoned with humanity. He repreſented that, during a courſe of forty years, from the very commencement of the civil wars, he had, through many dangers, difficulties, and loſſes, ſtill maintained his loyalty: And was it credible, that now, in his old age, eaſy in his circumſtances, but diſpirited by infirmities, he would belie the whole courſe of his life, and engage againſt his royal maſter, from whom he had ever received kind treatment, in the moſt deſperate and moſt bloody of all conſpiracies? He remarked the infamy of the witneſſes; the contradictions and abſurdities of their teſtimony; the extreme indigence in which they had lived, though engaged, as they pretended, in a conſpiracy with kings, princes, and nobles; the credit and opulence to which they were at preſent raiſed. With a ſimplicity and tenderneſs more perſuaſive than the greateſt oratory, he ſtill made proteſtations of his innocence, and could not for-

bear, every moment, expreſſing the moſt lively ſurpriſe and indignation at the audacious impudence of the witneſſes.

It will appear aſtoniſhing to us, as it did to Stafford himſelf, that the peers, after a ſolemn trial of ſix days, ſhould, by a majority of twenty-four voices, give ſentence againſt him. He received however with reſignation the fatal verdict. *God's holy name be praiſed*, was the only exclamation which he uttered. When the high-ſteward told him that the peers would intercede with the king for remitting the more cruel and ignominious parts of the ſentence, hanging and quartering, he burſt into tears: But he told the lords that he was moved to this weakneſs, by his ſenſe of their goodneſs, not by any terror of that fate which he was doomed to ſuffer.

It is remarkable that, after Charles, as is uſual in ſuch caſes, had remitted to Stafford the hanging and quartering, the two ſheriffs, Bethel and Corniſh, indulging their own republican humour, and complying with the prevalent ſpirit of their party, ever jealous of monarchy, ſtarted a doubt with regard to the king's power of exerciſing even this ſmall degree of lenity. "Since he cannot pardon the whole," ſaid they, "how "can he have power to remit any part of the ſentence?" They propoſed the doubt to both houſes: The peers pronounced it ſuperfluous; and even the commons, apprehenſive leſt a queſtion of this nature might make way for Stafford's eſcape, gave this ſingular anſwer: "This "houſe is *content*, that the ſheriffs do execute William "late viſcount Stafford by ſevering his head from his "body *only*." Nothing can be a ſtronger proof of the fury of the times, than that lord Ruſſel, notwithſtanding the virtue and humanity of his character, ſeconded in the houſe this barbarous ſcruple of the ſheriffs.

In the interval between the ſentence and execution, many efforts were made to ſhake the reſolution of the infirm and aged priſoner, and to bring him to ſome confeſſion of the treaſon for which he was condemned. It was even rumoured, that he had confeſſed; and the zealous

ous partymen, who, no doubt, had ſecretly, notwithſtanding their credulity, entertained ſome doubts with regard to the reality of the popiſh conſpiracy, expreſſed great triumph on the occaſion. But Stafford, when again called before the houſe of peers, diſcovered many ſchemes, which had been laid by himſelf and others for procuring a toleration to the catholics, at leaſt a mitigation of the penal laws enacted againſt them: And he proteſted that this was the ſole treaſon of which he had ever been guilty.

Stafford now prepared himſelf for death with the intrepidity which became his birth and ſtation, and which was the natural reſult of the innocence and integrity which, during the courſe of a long life, he had ever maintained: His mind ſeemed even to collect new force from the violence and oppreſſion under which he laboured. (29th Dec.) When going to execution, he called for a cloak to defend him againſt the rigour of the ſeaſon: "Perhaps," ſaid he, "I may ſhake with cold; "but I truſt in God, not for fear." On the ſcaffold, he continued, with reiterated and earneſt aſſeverations, to make proteſtations of his innocence: All his fervour was exerciſed on that point: When he mentioned the witneſſes, whoſe perjuries had bereaved him of life, his expreſſions were full of mildneſs and of charity. He ſolemnly diſavowed all thoſe immoral principles, which over-zealous proteſtants had aſcribed without diſtinction to the church of Rome: And he hoped, he ſaid, that the time was now approaching, when the preſent deluſion would be diſſipated; and when the force of truth, though late, would engage the whole world to make reparation to his injured honour.

The populace, who had exulted at Stafford's trial and condemnation, were now melted into tears at the ſight of that tender fortitude which ſhone forth in each feature, and motion, and accent of this aged noble. Their profound ſilence was only interrupted by ſighs and groans: With difficulty they found ſpeech to aſſent to thoſe proteſtations of innocence, which he frequently repeated: "We believe you, my lord! God bleſs you, "my

" my lord!" Theſe expreſſions with a faultering accent flowed from them. The executioner himſelf was touched with ſympathy. Twice he lifted up the ax, with an intent to ſtrike the fatal blow; and as often felt his reſolution to fail him. A deep ſigh was heard to accompany his laſt effort, which laid Stafford for ever at reſt. All the ſpectators ſeemed to feel the blow. And when the head was held up to them with the uſual cry, *This is the head of a traitor*, no clamour of aſſent was uttered. Pity, remorſe, and aſtoniſhment, had taken poſſeſſion of every heart, and diſplayed itſelf in every countenance.

This is the laſt blood which was ſhed on account of the popiſh plot: An incident which, for the credit of the nation, it were better to bury in eternal oblivion; but which it is neceſſary to perpetuate, as well to maintain the truth of hiſtory, as to warn, if poſſible, their poſterity and all mankind never again to fall into ſo ſhameful, ſo barbarous a deluſion.

The execution of Stafford gratified the prejudices of the country party; but it contributed nothing to their power and ſecurity: On the contrary, by exciting commiſeration, it tended ſtill farther to increaſe that diſbelief of the whole plot, which began now to prevail. The commons, therefore, not to loſe the preſent opportunity, reſolved to make both friends and enemies ſenſible of their power. They paſſed a bill for eaſing the proteſtant diſſenters, and for repealing the perſecuting ſtatute of the thirty-fifth of Elizabeth: This laudable bill was likewiſe carried through the houſe of peers. The chief-juſtice was very obnoxious for diſmiſſing the grand jury in an irregular manner, and thereby diſappointing that bold meaſure of Shafteſbury and his friends, who had preſented the duke as a recuſant. For this crime the commons ſent up an impeachment againſt him; as alſo againſt Jones and Weſton, two of the judges, who, in ſome ſpeeches from the bench, had gone ſo far as to give to many of the firſt reformers the appellation of fanatics.

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The king, in rejecting the exclusion-bill, had sheltered himself securely behind the authority of the house of peers; and the commons had been deprived of the usual pretence, to attack the sovereign himself, under colour of attacking his ministers and counsellors. In prosecution, however, of the scheme, which he had formed, of throwing the blame on the commons in case of any rupture, he made them a new speech. After warning them, that a neglect of this opportunity would never be retrieved, he added these words: "I did promise you "the fullest satisfaction, which your hearts could wish, "for the security of the protestant religion, and to "concur with you in any remedies, which might consist "with preserving the succession of the crown in its due "and legal course of descent. I do again, with the same "reservations, renew the same promises to you: And "being thus ready on my part to do all that can "reasonably be expected from me, I should be glad "to know from you, as soon as may be, how far I "shall be assisted by you, and what it is you desire from "me."

The most reasonable objection against the limitations proposed by the king, is, that they introduced too considerable an innovation in the government, and almost totally annihilated the power of the future monarch. But considering the present disposition of the commons and their leaders, we may fairly presume, that this objection would have small weight with them, and that their disgust against the court would rather incline them to diminish than support regal authority. They still hoped, from the king's urgent necessities and his usual facility, that he would throw himself wholly into their hands; and that thus, without waiting for the accession of the duke, they might immediately render themselves absolute masters of the government. The commons, therefore, besides insisting on the exclusion, proceeded to bring in bills of an important, and some of them of an alarming nature: One to renew the triennial act, which had been so inadvertently repealed in the beginning of the reign; A second to make the office of judge during

during good behaviour: A third to declare the levying of money without conſent of parliament to be high-treaſon: A fourth to order an aſſociation for the ſafety of his majeſty's perſon, for defence of the proteſtant religion, for the preſervation of the proteſtant ſubjects againſt all invaſions and oppoſition whatever, and for preventing the duke of York or any papiſt from ſucceeding to the crown. The memory of the covenant was too recent for men to overlook the conſequences of ſuch an aſſociation: And the king, who was particularly converſant in Davila, could not fail of recollecting a memorable foreign inſtance, to fortify this domeſtic experience.

The commons alſo paſſed many votes, which, though they had not the authority of laws, ſerved however to diſcover the temper and diſpoſition of the houſe. They voted, that whoever had adviſed his majeſty to refuſe the excluſion-bill, were promoters of popery and enemies to the king and kingdom. In another vote, they named the marquis of Worceſter, the earls of Clarendon, Feverſham, and Halifax, Laurence Hyde, and Edward Seymour, as thoſe dangerous enemies; and they requeſted his majeſty to remove them from his perſon and councils for ever: They voted that, till the excluſion-bill were paſſed, they could not, conſiſtent with the truſt repoſed in them, grant the king any manner of ſupply. And leſt he ſhould be enabled, by any other expedient, to ſupport the government, and preſerve himſelf independent, they paſſed another vote, in which they declared that whoever ſhould hereafter lend, by way of advance, any money upon thoſe branches of the king's revenue ariſing from cuſtoms, exciſe, or hearth-money, ſhould be judged a hinderer of the ſitting of parliament, and be reſponſible for the ſame in parliament.

The king might preſume that the peers, who had rejected the excluſion-bill, would ſtill continue to defend the throne, and that none of the dangerous bills, introduced into the other houſe, would ever be preſented for the royal aſſent and approbation. But as there remained no hopes of bringing the commons to any better temper,

temper, and as their farther ſitting ſerved only to keep faction alive, and to perpetuate the general ferment of the nation, he came ſecretly to a reſolution of proroguing them *. They got intelligence about a quarter of an hour before the black rod came to their door. Not to loſe ſuch precious time, they paſſed in a tumultuous manner ſome extraordinary reſolutions. They voted, *that* whoſoever adviſed his majeſty to prorogue this parliament to any other purpoſe than in order to paſs the bill of excluſion, was a betrayer of the king, of the proteſtant religion, and of the kingdom of England; a promoter of the French intereſt, and a penſioner of France: *That* thanks be given to the city of London for their manifeſt loyalty, and for their care and vigilance in the preſervation of the king and of the proteſtant religion: *That* it is the opinion of this houſe, that that city was burned in the year 1666 by the papiſts, deſigning thereby to introduce arbitrary power and popery into the kingdom: *That* humble application be made to his majeſty for reſtoring the duke of Monmouth to all his offices and commands, from which, it appears to the houſe, he had been removed by the influence of the duke of York: And *that* it is the opinion of the houſe that the proſecution of the proteſtant diſſenters upon the penal laws is at this time grievous to the ſubject, a weakening of the proteſtant intereſt, an encouragement of popery, and dangerous to the peace of the kingdom.

The king paſſed ſome laws of no great importance: But the bill for repealing the thirty-fifth of Elizabeth, he privately ordered the clerk of the crown not to preſent him. By this artifice, which was equally diſobliging to the country party as if the bill had been rejected, and at the ſame time implied ſome timidity in the king, that ſalutary act was for the preſent eluded. The king had often of himſelf attempted, and ſometimes by irregular means, to give indulgence to nonconformiſts: But beſides that he had uſually expected to comprehend the catholics in this liberty, the preſent refractory diſpo-

* 1681, January 10.

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ſition of the ſectaries had much incenſed him againſt them; and he was reſolved, if poſſible, to keep them ſtill at mercy.

The laſt votes of the commons ſeemed to be an attempt of forming indirectly an aſſociation againſt the crown, after they found that their aſſociation-bill could not paſs: The diſſenting intereſt, the city, and the duke of Monmouth, they endeavoured to connect with the country party. A civil war indeed never appeared ſo likely as at preſent; and it was high time for the king to diſſolve a parliament, which ſeemed to have entertained ſuch dangerous projects. Soon after, he ſummoned another. Though he obſerved, that the country party had eſtabliſhed their intereſt ſo ſtrongly in all the electing boroughs, that he could not hope for any diſpoſition more favourable in the new parliament, this expedient was ſtill a proſecution of his former project, of trying every method by which he might form an accommodation with the commons: And if all failed, he hoped that he could the better juſtify to his people, at leaſt to his party, a final breach with them.

It had always been much regretted by the royaliſts, during the civil wars, that the long parliament had been aſſembled at Weſtminſter, and had thereby received force and encouragement from the vicinity of a potent and factious city, which had zealouſly embraced their party. Though the king was now poſſeſſed of guards, which in ſome meaſure overawed the populace, he was determined ſtill farther to obviate all inconveniencies; and he ſummoned the new parliament to meet at Oxford. The city of London ſhowed how juſt a judgment he had formed of their diſpoſitions. Beſides re-electing the ſame members, they voted thanks to them for their former behaviour, in endeavouring to diſcover the depth of the *horrid* and *helliſh* popiſh plot, and to exclude the duke of York, the principal cauſe of the ruin and miſery impending over the nation. Monmouth with fifteen peers preſented a petition againſt aſſembling the parliament at Oxford, "where the two houſes," they ſaid, "could "not be in ſafety; but would be eaſily expoſed to the

"swords of the papists and their adherents, of whom too "many had creeped into his majesty's guards." These insinuations, which pointed so evidently at the king himself, were not calculated to persuade him, but to inflame the people.

The exclusionists might have concluded, both from the king's dissolution of the last parliament, and from his summoning of the present to meet at Oxford, that he was determined to maintain his declared resolution of rejecting their favourite bill: But they still flattered themselves that his urgent necessities would influence his easy temper, and finally gain them the ascendant. The leaders came to parliament, attended not only by their servants, but by numerous bands of their partisans. The four city members in particular were followed by great multitudes, wearing ribbons, in which were woven these words, *No popery! no slavery!* The king had his guards regularly mustered: His party likewise endeavoured to make a show of their strength: And on the whole, the assembly at Oxford rather bore the appearance of a tumultuous Polish diet, than of a regular English parliament.

(21st March.) The king, who had hitherto employed the most gracious expressions to all his parliaments, particularly the two last, thought proper to address himself to the present in a more authoritative manner. He complained of the unwarrantable proceedings of the former house of commons; and said that, as he would never use arbitrary government himself, neither would he ever suffer it in others. By calling, however, this parliament so soon, he had sufficiently shown that no past irregularities could inspire him with a prejudice against those assemblies. He now afforded them, he added, yet another opportunity of providing for the public safety; and to all the world had given one evidence more, that on his part he had not neglected the duty incumbent on him.

The commons were not overawed by the magisterial air of the king's speech. They consisted almost entirely

of the ſame members; they choſe the ſame ſpeaker; and they inſtantly fell into the ſame meaſures, the impeachment of Danby, the repeal of the perſecuting ſtatute of Elizabeth, the inquiry into the popiſh plot, and the bill of excluſion. So violent were they on this laſt article, that no other expedient, however plauſible, could ſo much as be hearkened to. Ernley, one of the king's miniſters, propoſed that the duke ſhould be baniſhed, during life, five hundred miles from England, and that on the king's demiſe the next heir ſhould be conſtituted regent with regal power. Yet even this expedient, which left the duke only the bare title of king, could not, though ſeconded by ſir Thomas Lyttleton and ſir Thomas Mompeſſon, obtain the attention of the houſe. The paſt diſappointments of the country party, and the oppoſition made by the court, had only rendered them more united, more haughty, and more determined. No method but their own, of excluding the duke, could give them any ſatisfaction.

There was one Fitz-harris, an Iriſh catholic, who had inſinuated himſelf into the dutcheſs of Portſmouth's acquaintance, and had been very buſy in conveying to her, intelligence of any libel written by the country party, or of any deſigns entertained againſt her or againſt the court. For ſervices of this kind, and perhaps too, from a regard to his father, ſir Edward Fitz-harris, who had been an eminent royaliſt, he had received from the king a preſent of 250 pounds. This man met with one Everard, a Scotchman, a ſpy of the excluſioniſts, and an informer concerning the popiſh plot; and he engaged him to write a libel againſt the king, the duke, and the whole adminiſtration. What Fitz-harris's intentions were, cannot well be aſcertained: It is probable, as he afterwards aſſerted, that he meant to carry this libel to his patron, the dutcheſs, and to make a merit of the diſcovery. Everard, who ſuſpected ſome other deſign, and who was well pleaſed on his ſide to have the merit of a diſcovery with his patrons, reſolved to betray his friend: He poſted ſir William Waller, a noted juſtice of peace,

peace, and two persons more, behind the hangings, and gave them an opportunity of seeing and hearing the whole transaction. The libel, sketched out by Fitz-harris, and executed partly by him, partly by Everard, was the most furious, indecent, and outrageous performance imaginable; and such as was fitter to hurt than serve any party, which should be so imprudent as to adopt it. Waller carried the intelligence to the king, and obtained a warrant for committing Fitz-harris, who happened, at that very time, to have a copy of the libel in his pocket. Finding himself now delivered over to the law, he resolved to pay court to the popular party, who were alone able to protect him, and by whom he observed almost all trials to be governed and directed. He affirmed, that he had been employed by the court to write the libel, in order to throw the odium of it on the exclusionists: But this account, which was within the bounds of credibility, he disgraced by circumstances which are altogether absurd and improbable. The intention of the ministers, he said, was to send about copies to all the heads of the country party; and the moment they received them, they were to be arrested, and a conspiracy to be imputed to them. That he might merit favour by still more important intelligence, he commenced a discoverer of the great popish plot; and he failed not to confirm all the tremendous circumstances insisted on by his predecessors. He said, that the second Dutch war was entered into with a view of extirpating the protestant religion, both abroad and at home; that father Parry, a Jesuit, on the disappointment by the peace, told him, that the catholics resolved to murder the king, and had even engaged the queen in that design; that the envoy of Modena offered him 10,000 pounds to kill the king, and upon his refusal the envoy said, that the dutchess of Mazarine, who was as expert at poisoning as her sister, the countess of Soissons, would, with a little phial, execute that design; that upon the king's death the army in Flanders was to come over, and massacre the protestants; that money was raised in Italy for recruits and supplies, and there should be no more parliaments; and that the duke was privy to

this whole plan, and had even entered into the deſign of Godfrey's murder, which was executed in the manner related by Prance.

The popular leaders had, all along, been very deſirous of having an accuſation againſt the duke; and though Oates and Bedloe, in their firſt evidence, had not dared to go ſo far, both Dugdale and Dangerfield had afterwards been encouraged to ſupply ſo material a defect, by comprehending him in the conſpiracy. The commons, therefore, finding that Fitz-harris was alſo willing to ſerve this purpoſe, were not aſhamed to adopt his evidence, and reſolved for that end to ſave him from the deſtruction with which he was at preſent threatened. The king had removed him from the city-priſon, where he was expoſed to be tampered with by the excluſioniſts; had ſent him to the Tower; and had ordered him to be proſecuted by an indictment at common law. In order to prevent his trial and execution, an impeachment was voted by the commons againſt him, and ſent up to the lords. That they might ſhow the greater contempt of the court, they ordered, by way of deriſion, that the impeachment ſhould be carried up by ſecretary Jenkins; who was ſo provoked by the intended affront, that he at firſt refuſed obedience; though afterwards, being threatened with commitment, he was induced to comply. The lords voted to remit the affair to the ordinary courts of juſtice, before whom, as the attorney-general informed them, it was already determined to try Fitz-harris. The commons maintained, that the peers were obliged to receive every impeachment from the commons; and this indeed ſeems to have been the firſt inſtance of their refuſal: They therefore voted, that the lords, in rejecting their impeachment, had denied juſtice, and had violated the conſtitution of parliament. They alſo declared, that whatever inferior court ſhould proceed againſt Fitz-harris, or any one that lay under impeachment, would be guilty of a high breach of privilege. Great heats were likely to enſue; and as the king ſaw no appearance of any better temper in the commons, he gladly laid hold of the opportunity afforded by a quarrel between

tween the two houſes; and he proceeded to a diſſolution of the parliament. The ſecret was ſo well kept, that the commons had no intimation of it, till the black rod came to their doors, and ſummoned them to attend the king at the houſe of peers.

This vigorous meaſure, though it might have been foreſeen, excited ſuch aſtoniſhment in the country party, as deprived them of all ſpirit, and reduced them to abſolute deſpair. They were ſenſible, though too late, that the king had finally taken his reſolution, and was determined to endure any extremity rather than ſubmit to thoſe terms which they had reſolved to impoſe upon him. They found, that he had patiently waited till affairs ſhould come to full maturity; and having now engaged a national party on his ſide, had boldly ſet his enemies at defiance. No parliament, they knew, would be ſummoned for ſome years; and during that long interval, the court, though perhaps at the head of an inferior party, yet being poſſeſſed of all authority, would have every advantage over a body diſperſed and diſunited. Theſe reflections crowded upon every one; and all the excluſioniſts were terrified, leſt Charles ſhould follow the blow by ſome action more violent, and immediately take vengeance on them for their long and obſtinate oppoſition to his meaſures. The king on his part was no leſs apprehenſive, leſt deſpair might prompt them to have recourſe to force, and make ſome ſudden attempt upon his perſon. Both parties therefore hurried from Oxford; and in an inſtant, that city, ſo crowded and buſy, was left in its uſual emptineſs and tranquillity.

The court party gathered force from the diſperſion and aſtoniſhment of their antagoniſts, and adhered more firmly to the king, whoſe reſolutions, they now ſaw, could be entirely depended on. The violences of the excluſioniſts were every-where exclaimed againſt and aggravated; and even the reality of the plot, that great engine of their authority, was openly called in queſtion. The clergy eſpecially were buſy in this great revolution; and being moved, partly by their own fears, partly by the inſinuations of the court, they repreſented all their

antagoniſts as ſectaries and republicans, and rejoiced in eſcaping thoſe perils, which they believed to have been hanging over them. Principles the moſt oppoſite to civil liberty were every-where enforced from the pulpit, and adopted in numerous addreſſes; where the king was flattered in his preſent meaſures, and congratulated on his eſcape from parliaments. Could words have been depended on, the nation appeared to be running faſt into voluntary ſervitude, and ſeemed even ambitious of reſigning into the king's hands all the privileges, tranſmitted to them, through ſo many ages, by their gallant anceſtors.

But Charles had ſagacity enough to diſtinguiſh between men's real internal ſentiments, and the language which zeal and oppoſition to a contrary faction may ſometimes extort from them. Notwithſtanding all theſe profeſſions of duty and obedience, he was reſolved not to truſt, for a long time, the people with a new election, but to depend entirely on his own economy for alleviating thoſe neceſſities under which he laboured. Great retrenchments were made in the houſehold: Even his favourite navy was neglected: Tangiers, though it had coſt great ſums of money, was a few years after abandoned and demoliſhed. The mole was entirely deſtroyed; and the garriſon, being brought over to England, ſerved to augment that ſmall army, which the king relied on, as one ſolid baſis of his authority. It had been happy for the nation, had Charles uſed his victory with juſtice and moderation equal to the prudence and dexterity with which he obtained it.

The firſt ſtep taken by the court, was the trial of Fitz-harris. Doubts were raiſed by the jury with regard to their power of trying him, after the concluding vote of the commons: But the judges took upon them to decide the queſtion in the affirmative; and the jury were obliged to proceed. The writing of the libel was clearly proved upon Fitz-harris: The only queſtion was with regard to his intentions. He aſſerted, that he was a ſpy of the court, and had accordingly carried the libel to the dutcheſs of Portſmouth; and he was deſirous that the jury ſhould,

ſhould, in this tranſaction, conſider him as a cheat, not as a traitor. He failed however ſomewhat in the proof; and was brought in guilty of treaſon by the jury.

Finding himſelf entirely in the hands of the king, he now retracted all his former impoſtures with regard to the popiſh plot, and even endeavoured to atone for them by new impoſtures againſt the country party. He affirmed, that theſe fictions had been extorted from him by the ſuggeſtions and artifices of Treby the recorder, and of Bethel and Corniſh, the two ſheriffs: This account he perſiſted in even at his execution; and though men knew, that nothing could be depended on, which came from one ſo corrupt, and ſo loſt to all ſenſe of honour; yet were they inclined, from his perſeverance, to rely ſomewhat more on his veracity in theſe laſt aſſeverations. But it appears, that his wife had ſome connexions with Mrs. Wall, the favourite maid of the dutcheſs of Portſmouth; and Fitz-harris hoped, if he perſiſted in a ſtory agreeable to the court, that ſome favour might, on that account, be ſhown to his family.

It is amuſing to reflect on the ſeveral lights in which this ſtory has been repreſented by the oppoſite factions. The country party affirmed, that Fitz-harris had been employed by the court, in order to throw the odium of the libel on the excluſioniſts, and thereby give riſe to a proteſtant plot: The court party maintained, that the excluſioniſts had found out Fitz-harris, a ſpy of the miniſters, and had ſet him upon this undertaking, from an intention of loading the court with the imputation of ſuch a deſign upon the excluſioniſts. Rather than acquit their antagoniſts, both ſides were willing to adopt an account the moſt intricate and incredible. It was a ſtrange ſituation, in which the people, at this time, were placed; to be every day tortured with theſe perplexed ſtories, and inflamed with ſuch dark ſuſpicions againſt their fellow-citizens. This was no leſs than the fifteenth falſe plot, or ſham-plot, as they were then called, with which the court, it was imagined, had endeavoured to load their adverſaries.

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The country party had intended to make uſe of Fitzharris's evidence againſt the duke and the catholics; and his execution was therefore a great mortification to them. But the king and his miniſters were reſolved not to be contented with ſo ſlender an advantage. They were determined to purſue the victory, and to employ againſt the excluſioniſts thoſe very offenſive arms, however unfair, which that party had laid up in ſtore againſt their antagoniſts. The whole gang of ſpies, witneſſes, informers, ſuborners, who had ſo long been ſupported and encouraged by the leading patriots, finding now that the king was entirely maſter, turned ſhort upon their old patrons, and offered their ſervice to the miniſters. To the diſgrace of the court and of the age, they were received with hearty welcome; and their teſtimony or rather perjury made uſe of, in order to commit legal murder upon the oppoſite party. With an air of triumph and deriſion it was aſked, "Are not theſe men good witneſſes, who have eſtabliſhed the popiſh plot, upon whoſe teſtimony Stafford and ſo many catholics have been executed, and whom you yourſelves have ſo long celebrated as men of credit and veracity? You have admitted them into your boſom: They are beſt acquainted with your treaſons: They are determined in another ſhape to ſerve their king and country: And you cannot complain, that the ſame meaſure, which you meted to others, ſhould now, by a righteous doom or vengeance, be meaſured out to you."

It is certain, that the principle of retaliation may ſerve in ſome caſes as a full apology, in others as an alleviation, for a conduct which would otherwiſe be expoſed to great blame. But theſe infamous arts, which poiſon juſtice in its very ſource, and break all the bands of human ſociety, are ſo deteſtable and dangerous, that no pretence of retaliation can be pleaded as an apology or even an alleviation of the crime incurred by them. On the contrary, the greater indignation the king and his miniſters felt, when formerly expoſed to the perjuries of abandoned men, the more reluctance ſhould they now have diſcovered againſt employing the ſame inſtruments of vengeance upon their antagoniſts.

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The firſt perſon, on whom the miniſters fell, was one College, a London joiner, who had become extremely noted for his zeal againſt popery, and was much connected with Shafteſbury and the leaders of the country party: For as they relied much upon the populace, men of College's rank and ſtation were uſeful to them. College had been in Oxford armed with ſword and piſtol during the ſitting of the parliament; and this was made the foundation of his crime. It was pretended that a conſpiracy had been entered into to ſeize the king's perſon, and detain him in confinement, till he ſhould make the conceſſions demanded of him. The ſheriffs of London were in ſtrong oppoſition to the court; and it was not ſtrange, that the grand jury named by them rejected the bill againſt College. The priſoner was therefore ſent to Oxford, where the treaſon was ſaid to have been committed. Lord Norris, a courtier, was ſheriff of the county; and the inhabitants were in general devoted to the court party. A jury was named, conſiſting entirely of royaliſts; and though they were men of credit and character, yet ſuch was the factious rage which prevailed, that little juſtice could be expected by the priſoner. Some papers, containing hints and directions for his defence, were taken from him, as he was conducted to his trial: An iniquity, which ſome pretended to juſtify by alleging, that a like violence had been practiſed againſt a priſoner during the fury of the popiſh plot. Such wild notions of retaliation were at that time propagated by the court party.

The witneſſes produced againſt College were Dugdale, Turberville, Haynes, Smith; men who had before given evidence againſt the catholics; and whom the jury, for that very reaſon, regarded as the moſt perjured villains. College, though beſet with ſo many toils, and oppreſſed with ſo many iniquities, defended himſelf with ſpirit, courage, capacity, preſence of mind; and he invalidated the evidence of the crown, by convincing arguments and undoubted teſtimony: Yet did the jury, after half an hour's deliberation, bring in a verdict againſt him. The inhuman ſpectators received the verdict with a ſhout of applauſe:

applauſe: But the priſoner was nowiſe diſmayed. At his execution, he maintained the ſame manly fortitude, and ſtill denied the crime imputed to him. His whole conduct and demeanour prove him to have been a man led aſtray only by the fury of the times, and to have been governed by an honeſt, but indiſcreet, zeal for his country and his religion.

Thus the two parties, actuated by mutual rage, but cooped up within the narrow limits of the law, levelled with poiſoned daggers the moſt deadly blows againſt each other's breaſt, and buried in their factious diviſions all regard to truth, honour, and humanity.

CHAP. LXIX.

State of affairs in Ireland—Shafteſbury acquitted—Argyle's trial—State of affairs in Scotland—State of the miniſtry in England—New nomination of ſheriffs—Quo warrantos—Great power of the crown—A conſpiracy—Shafteſbury retires and dies—Rye-houſe plot—Conſpiracy diſcovered—Execution of the conſpirators—Trial of lord Ruſſel—His execution—Trial of Algernon Sidney—His execution—State of the nation—State of foreign affairs—King's ſickneſs and death—and character.

WHEN the Cabal entered into the myſterious alliance with France, they took care to remove the duke of Ormond from the committee of foreign affairs; and nothing tended farther to increaſe the national jealouſy, entertained againſt the new meaſures, than to ſee a man of ſo much loyalty, as well as probity and honour, excluded from public councils. They had even ſo great intereſt with the king as to get Ormond recalled from the government of Ireland; and lord Robarts, afterwards earl of Radnor, ſucceeded him in that important employment. Lord Berkeley ſucceeded Robarts; and the

the earl of Eſſex, Berkeley. At laſt, in the year 1677, Charles caſt his eye again upon Ormond, whom he had ſo long neglected; and ſent him over lieutenant to Ireland. "I have done every thing," ſaid the king, "to "diſoblige that man; but it is not in my power to "make him my enemy." Ormond, during his diſgrace, had never joined the malcontents, nor encouraged thoſe clamours, which, with too much reaſon, but often for bad purpoſes, were raiſed againſt the king's meaſures. He even thought it his duty, regularly, though with dignity, to pay his court at Whitehall; and to prove that his attachments were founded on gratitude, inclination, and principle, not on any temporary advantages. All the expreſſions, which dropped from him, while neglected by the court, ſhowed more of good-humour, than any prevalence of ſpleen and indignation. "I can "do you no ſervice," ſaid he to his friends, "I have "only the power left by my applications to do you "ſome hurt." When colonel Cary Dillon ſolicited him to ſecond his pretenſions for an office, and urged that he had no friends but God and his grace: "Alas! "poor Cary," replied the duke, "I pity thee: Thou "couldeſt not have two friends that poſſeſs leſs intereſt "at court." "I am thrown by," ſaid he, on another occaſion, "like an old ruſty clock; yet even that ne-"glected machine, twice in twenty-four hours, points "right."

On ſuch occaſions, when Ormond, from decency, paid his attendance at court, the king, equally aſhamed to ſhow him civility and to neglect him, was abaſhed and confounded. "Sir," ſaid the profligate Buckingham, "I wiſh to know whether it be the duke of Or-"mond, that is out of favour with your majeſty, or "your majeſty with the duke of Ormond; for, of the "two, you ſeem the moſt out of countenance."

When Charles found it his intereſt to ſhow favour to the old royaliſts, and to the church of England, Ormond, who was much revered by that whole party, could not fail of recovering, together with the government of Ireland, his former credit and authority. His

adminiſtration, when lord-lieutenant, correſponded to the general tenour of his life; and tended equally to promote the intereſts of the prince and people, of proteſtant and catholic. Ever firmly attached to the eſtabliſhed religion, he was able, even during thoſe jealous times, to eſcape ſuſpicion, though he gratified not vulgar prejudices by any perſecution of the popiſh party. He increaſed the revenue of Ireland to three hundred thouſand pounds a year: He maintained a regular army of ten thouſand men: He ſupported a well-diſciplined militia of twenty thouſand: And though the act of ſettlement had ſo far been infringed, that catholics were permitted to live in corporate towns, they were guarded with ſo careful an eye, that the moſt timorous proteſtant never apprehended any danger from them.

The chief object of Eſſex's ambition was to return to the ſtation of lord-lieutenant, where he had behaved with honour and integrity: Shafteſbury and Buckingham bore an extreme hatred to Ormond, both from perſonal and party conſiderations: The great aim of the anti-courtiers was to throw reflections on every part of the king's government. It could be no ſurpriſe, therefore, to the lord-lieutenant to learn, that his adminiſtration was attacked in parliament, particularly by Shafteſbury; but he had the ſatisfaction, at the ſame time, to hear of the keen, though polite defence, made by his ſon, the generous Oſſory. After juſtifying ſeveral particulars of Ormond's adminiſtration againſt that intriguing patriot, Oſſory proceeded in the following words: "Having ſpoken of what the lord-lieu-
"tenant has done, I preſume with the ſame truth to
"tell your lordſhips what he has not done. He never
"adviſed the breaking of the triple league; he never
"adviſed the ſhutting up of the exchequer; he never
"adviſed the declaration for a toleration; he never ad-
"viſed the falling out with the Dutch and the joining
"with France: He was not the author of that moſt
"excellent poſition *Delenda eſt Carthago*, that Holland,
"a proteſtant country, ſhould, contrary to the true in-
"tereſts of England, be totally deſtroyed. I beg that
"your

"your lordships will be so just as to judge of my father "and all men, according to their actions and their "counsels." These few sentences, pronounced by a plain gallant soldier, noted for probity, had a surprising effect upon the audience, and confounded all the rhetoric of his eloquent and factious adversary. The prince of Orange, who esteemed the former character as much as he despised the latter, could not forbear congratulating by letter the earl of Ossory on this new species of victory which he had obtained.

Ossory, though he ever kept at a distance from faction, was the most popular man in the kingdom; though he never made any compliance with the corrupt views of the court, was beloved and respected by the king. An universal grief appeared on his death, which happened about this time, and which the populace, as is usual wherever they are much affected, foolishly ascribed to poison. Ormond bore the loss with patience and dignity; though he ever retained a pleasing, however melancholy, sense of the signal merit of Ossory. "I "would not exchange my dead son," said he, "for "any living son in Christendom."

These particularities may appear a digression; but it is with pleasure, I own, that I relax myself for a moment in the contemplation of these humane and virtuous characters, amidst that scene of fury and faction, fraud and violence, in which at present our narration has unfortunately engaged us.

Besides the general interest of the country party to decry the conduct of all the king's ministers, the prudent and peaceable administration of Ormond was in a particular manner displeasing to them. In England, where the catholics were scarcely one to a hundred, means had been found to excite an universal panic, on account of insurrections, and even massacres, projected by that sect; and it could not but seem strange that in Ireland, where they exceeded the protestants six to one, there should no symptoms appear of any combination or conspiracy. Such an incident, when duly considered, might even in England shake the credit of the plot, and

diminiſh the authority of thoſe leaders, who had ſo long, with ſuch induſtry, inculcated the belief of it on the nation. Rewards, therefore, were publiſhed in Ireland to any that would bring intelligence or become witneſſes; and ſome profligates were ſent over to that kingdom, with a commiſſion to ſeek out evidence againſt the catholics. Under pretence of ſearching for arms or papers, they broke into houſes, and plundered them: They threw innocent men into priſon, and took bribes for their releaſe: And after all their diligence, it was with difficulty that that country, commonly fertile enough in witneſſes, could furniſh them with any fit for their purpoſe.

At laſt, one Fitzgerald appeared, followed by Ivey, Sanſon, Dennis, Bourke, two Macnamaras, and ſome others. Theſe men were immediately ſent over to England; and though they poſſeſſed neither character ſufficient to gain belief even for truth, nor ſenſe to invent a credible falſehood, they were careſſed, rewarded, ſupported, and recommended by the earl of Shafteſbury. Oliver Plunket, the titular primate of Ireland, a man of peaceable diſpoſitions, was condemned and executed upon ſuch teſtimony. And the Oxford parliament entered ſo far into the matter as to vote, that they were entirely ſatisfied in the reality of the *horrid* and *damnable* Iriſh plot. But ſuch deciſions, though at firſt regarded as infallible, had now loſt much of their authority; and the public ſtill remained ſomewhat indifferent and incredulous.

After the diſſolution of the parliament, and the ſubſequent victory of the royaliſts, Shafteſbury's evidences, with Turberville, Smith, and others, addreſſed themſelves to the miniſters, and gave information of high treaſon againſt their former patron. It is ſufficiently ſcandalous, that intelligence, conveyed by ſuch men, ſhould have been attended to; but there is ſome reaſon to think, that the court agents, nay the miniſters, nay the king himſelf, went farther, and were active in endeavouring, though in vain, to find more reputable perſons to ſupport the blaſted credit of the Iriſh witneſſes.

neſſes. Shafteſbury was committed to priſon, and his indictment was preſented to the grand jury. The new ſheriffs of London, Shute and Pilkington, were engaged as deeply as their predeceſſors in the country party; and they took care to name a jury devoted to the ſame cauſe: A precaution quite neceſſary, when it was ſcarcely poſſible to find men indifferent or attached to neither party. As far as ſwearing could go, the treaſon was clearly proved againſt Shafteſbury; or rather ſo clearly as to merit no kind of credit or attention. That veteran leader of a party, enured from his early youth to faction and intrigue, to cabals and conſpiracies, was repreſented as opening without reſerve his treaſonable intentions to theſe obſcure banditti, and throwing out ſuch violent and outrageous reproaches upon the king, as none but men of low education, like themſelves, could be ſuppoſed to employ. The draught of an aſſociation, it is true, againſt popery and the duke, was found in Shafteſbury's cabinet; and dangerous inferences might be drawn from many clauſes of that paper. But it did not appear, that it had been framed by Shafteſbury, or ſo much as approved by him. And as projects of an aſſociation had been propoſed in parliament, it was very natural for this nobleman, or his correſpondents, to be thinking of ſome plan, which it might be proper to lay before that aſſembly. The grand jury, therefore, after weighing all theſe circumſtances, rejected the indictment; and the people, who attended the hall, teſtified their joy by the loudeſt acclamations, which were echoed throughout the whole city.

About this time a ſcheme of oppreſſion was laid in Scotland, after a manner ſtill more flagrant, againſt a nobleman much leſs obnoxious than Shafteſbury; and as that country was reduced to a ſtate of almoſt total ſubjection, the project had the good fortune to ſucceed.

The earl of Argyle, from his youth, had diſtinguiſhed himſelf by his loyalty, and his attachment to the royal family. Though his father was head of the covenanters, he himſelf refuſed to concur in any of their meaſures; and when a commiſſion of colonel was given him by the

convention of ſtates, he forbore to act upon it, till it ſhould be ratified by the king. By his reſpectful behaviour, as well as by his ſervices, he made himſelf acceptable to Charles, when that prince was in Scotland: And even after the battle of Worceſter, all the misfortunes, which attended the royal cauſe, could not engage him to deſert it. Under Middleton he obſtinately perſevered to haraſs and infeſt the victorious Engliſh; and it was not till he received orders from that general, that he would ſubmit to accept of a capitulation. Such jealouſy of his royal attachments was entertained by the commonwealth and protector, that a pretence was ſoon after fallen upon to commit him to priſon; and his confinement was rigorouſly continued till the reſtoration. The king, ſenſible of his ſervices, had remitted to him his father's forfeiture, and created him earl of Argyle; and when a moſt unjuſt ſentence was paſſed upon him by the Scottiſh parliament, Charles had anew remitted it. In the ſubſequent part of this reign, Argyle behaved himſelf dutifully; and though he ſeemed not diſpoſed to go all lengths with the court, he always appeared, even in his oppoſition, to be a man of mild diſpoſitions and peaceable deportment.

A parliament was ſummoned at Edinburgh this ſummer, and the duke was appointed commiſſioner. Beſides granting money to the king, and voting the indefeaſible right of ſucceſſion, this parliament enacted a teſt, which all perſons, poſſeſſed of offices, civil, military, or eccleſiaſtical, were bound to take. In this teſt, the king's ſupremacy was aſſerted, the covenant renounced, paſſive obedience aſſented to, and all obligations diſclaimed of endeavouring any alteration in civil or eccleſiaſtical eſtabliſhments. This was the ſtate of the teſt, as propoſed by the courtiers; but the country party propoſed alſo to inſert a clauſe, which could not with decency be refuſed, expreſſing the perſon's adherence to the proteſtant religion. The whole was of an enormous length, conſidered as an oath; and what was worſe, a confeſſion of faith was there ratified, which had been impoſed a little after the reformation, and which contained many articles altogether

together forgotten by the parliament and nation. Among others, the doctrine of reſiſtance was inculcated; ſo that the teſt, being voted in a hurry, was found on examination to be a medley of contradiction and abſurdity. Several perſons, the moſt attached to the crown, ſcrupled to take it: The biſhops and many of the clergy remonſtrated: The earl of Queenſberry refuſed to ſwear, except he might be allowed to add an explanation: And even the privy-council thought it neceſſary to publiſh for general ſatisfaction a ſolution of ſome difficulties attending the teſt.

Though the courtiers could not reject the clauſe of adhering to the proteſtant religion, they propoſed, as a neceſſary mark of reſpect, that all princes of the blood ſhould be exempted from taking the oath. This exception was zealouſly oppoſed by Argyle; who obſerved, that the ſole danger to be dreaded for the proteſtant religion muſt proceed from the perverſion of the royal family. By inſiſting on ſuch topics, he drew on himſelf the ſecret indignation of the duke, of which he ſoon felt the fatal conſequences.

When Argyle took the teſt as a privy-counſellor, he ſubjoined, in the duke's preſence, an explanation, which he had beforehand communicated to that prince, and which he believed to have been approved by him. It was in theſe words: "I have conſidered the teſt, and "am very deſirous of giving obedience as far as I can. "I am confident that the parliament never intended to "impoſe contradictory oaths: Therefore I think no "man can explain it but for himſelf. Accordingly, I "take it as far as it is conſiſtent with itſelf, and the "proteſtant religion. And I do declare, that I mean "not to bind myſelf, in my ſtation, and in a lawful "way, from wiſhing, and endeavouring any alteration, "which I think to the advantage of church or ſtate, "and not repugnant to the proteſtant religion and my "loyalty: And this I underſtand as a part of my "oath." The duke, as was natural, heard theſe words with great tranquillity: No one took the leaſt offence: Argyle was admitted to ſit that day in council;

And it was impoſſible to imagine, that a capital offence had been committed, where occaſion ſeemed not to have been given, ſo much as for a frown or reprimand.

Argyle was much ſurpriſed, a few days after, to find that a warrant was iſſued for committing him to priſon; that he was indicted for high-treaſon, leaſing-making, and perjury; and that from theſe innocent words an accuſation was extracted, by which he was to forfeit honours, life, and fortune. It is needleſs to enter into particulars, where the iniquity of the whole is ſo apparent. Though the ſword of juſtice was diſplayed, even her ſemblance was not put on; and the forms alone of law were preſerved, in order to ſanctify, or rather aggravate, the oppreſſion. Of five judges, three did not ſcruple to find the guilt of treaſon and leaſing-making to be incurred by the priſoner: A jury of fifteen noblemen gave verdict againſt him: And the king, being conſulted, ordered the ſentence to be pronounced; but the execution of it to be ſuſpended till farther orders.

It was pretended by the duke and his creatures, that Argyle's life and fortune were not in any danger, and that the ſole reaſon for puſhing the trial to ſuch extremities againſt him was in order to make him renounce ſome hereditary juriſdiction, which gave his family a dangerous authority in the highlands, and obſtructed the courſe of public juſtice. But allowing the end to be juſtifiable, the means were infamous; and ſuch as were incompatible, not only with a free, but a civilized government. Argyle had therefore no reaſon to truſt any longer to the juſtice or mercy of ſuch enemies: He made his eſcape from priſon; and till he ſhould find a ſhip for Holland, he concealed himſelf during ſome time in London. The king heard of his lurking-place, but would not allow him to be arreſted. All the parts, however, of his ſentence, as far as the government in Scotland had power, were rigorouſly executed; his eſtate confiſcated, his arms reverſed and torn.

It would ſeem, that the genuine paſſion for liberty was at this time totally extinguiſhed in Scotland: There was only preſerved a ſpirit of mutiny and ſedition, encouraged

couraged by a miſtaken zeal for religion. Cameron and Cargil, two furious preachers, went a ſtep beyond all their brethren: They publicly excommunicated the king for his tyranny and his breach of the covenant; and they renounced all allegiance to him. Cameron was killed by the troops in an action at Airs-Moſs; Cargil was taken and hanged. Many of their followers were tried and convicted. Their lives were offered them if they would ſay, *God ſave the king:* But they would only agree to pray for his repentance. This obſtinacy was much inſiſted on as an apology for the rigours of the adminiſtration: But if duly conſidered, it will rather afford reaſon for a contrary inference. Such unhappy deluſion is an object rather of commiſeration than of anger: And it is almoſt impoſſible that men could have been carried to ſuch a degree of frenzy, unleſs provoked by a long train of violence and oppreſſion.

(1682.) As the king was maſter in England, and no longer dreaded the clamours of the country party, he permitted the duke to pay him a viſit; and was ſoon after prevailed on to allow of his return to England, and of his bearing a part in the adminiſtration. The duke went th Scotland, in order to bring up his family, and ſettle tho government of that country; and he choſe to take his paſſage by ſea. The ſhip ſtruck on a ſand-bank, and was loſt: The duke eſcaped in the barge; and it is pretended that, while many perſons of rank and quality were drowned, and among the reſt Hyde, his brother-in-law, he was very careful to ſave ſeveral of his dogs and prieſts: For theſe two ſpecies of favourites are coupled together by ſome writers. It has likewiſe been aſſerted, that the barge might ſafely have held more perſons, and that ſome who ſwam to it were thruſt off, and even their hands cut, in order to diſengage them. But every action of every eminent perſon, during this period, is ſo liable to be miſinterpreted and miſrepreſented by faction, that we ought to be very cautious in paſſing judgment on too ſlight evidence. It is remarkable, that the ſailors on board the ſhip, though they felt themſelves ſinking, and ſaw inevitable death before their eyes, yet, as ſoon

as

as they obſerved the duke to be in ſafety, gave a loud ſhout, in teſtimony of their joy and ſatisfaction.

The duke, during his abode in Scotland, had behaved with great civility towards the gentry and nobility; and by his courtly demeanour had much won upon their affections: But his treatment of the enthuſiaſts was ſtill ſomewhat rigorous; and in many inſtances he appeared to be a man of a ſevere, if not an unrelenting temper. It is even aſſerted, that he ſometimes aſſiſted at the torture of criminals, and looked on with tranquillity, as if he were conſidering ſome curious experiment *. He left the authority in the hands of the earl of Aberdeen, chancellor, and the earl of Queenſberry, treaſurer. A very arbitrary ſpirit appeared in their adminiſtration: A gentleman of the name of Weir was tried, becauſe he had kept company with one who had been in rebellion; though that perſon had never been marked out by proceſs or proclamation. The inferences upon which Weir was condemned (for a proſecution by the government and a condemnation were in Scotland the ſame thing) hung upon each other after the following manner: No man, it was ſuppoſed, could have been in a rebellion without being expoſed to ſuſpicion in the neighbourhood: If the neighbourhood had ſuſpected him, it was to be preſumed that each individual had likewiſe heard of the grounds of ſuſpicion: Every man was bound to declare to the government his ſuſpicion againſt every man, and to avoid the company of traitors: To fail in this duty was to participate in the treaſon: The concluſion on the whole was, You have converſed with a rebel; therefore you are yourſelf a rebel. A reprieve was, with ſome difficulty, procured for Weir; but it was ſeriouſly determined to make uſe of the precedent. Courts of judicature were erected in the ſouthern and weſtern counties, and a ſtrict inquiſition carried on againſt this new ſpecies of crime.

* Burnet, vol. i. p. 583. Wodrow, vol. ii. p. 169. This laſt author, who is much the better authority, mentions only one inſtance, that of Spreul, which ſeems to have been an extraordinary one.

The

The term of three years was appointed for the continuance of theſe courts; after which an indemnity was promiſed. Whoever would take the teſt, was inſtantly entitled to the benefit of this indemnity. The preſbyterians, alarmed with ſuch tyranny, from which no man could deem himſelf ſafe, began to think of leaving the country; and ſome of their agents were ſent to England, in order to treat with the proprietors of Carolina for a ſettlement in that colony. Any condition ſeemed preferable to the living in their native country, which, by the prevalence of perſecution and violence, was become as inſecure to them as a den of robbers.

Above two thouſand perſons were outlawed on pretence of their converſing or having intercourſe with rebels, and they were continually hunted in their retreat by ſoldiers, ſpies, informers, and oppreſſive magiſtrates. It was uſual to put enſnaring queſtions to people living peaceably in their own houſes; ſuch as, "Will you renounce the "covenant? Do you eſteem the riſing at Bothwel to be "rebellion? Was the killing of the archbiſhop of St. "Andrews murder?" And when the poor deluded creatures refuſed to anſwer, capital puniſhments were inflicted on them. Even women were brought to the gibbet for this pretended crime. A number of fugitives, rendered frantic by oppreſſion, had publiſhed a ſeditious declaration; renouncing allegiance to Charles Stuart, whom they called, as they, for their parts, had indeed ſome reaſon to eſteem him, a tyrant. This incident afforded the privy-council a pretence for an unuſual kind of oppreſſion. Soldiers were diſperſed over the country, and power was given to all commiſſion-officers, even the loweſt, to oblige every one they met with to abjure the declaration; and upon refuſal, inſtantly, without farther queſtions, to ſhoot the delinquent. It were endleſs, as well as ſhocking, to enumerate all the inſtances of perſecution, or, in other words, of abſurd tyranny, which at that time prevailed in Scotland. One of them, however, is ſo ſingular, that I cannot forbear relating it.

Three

Three women were ſeized; and the cuſtomary oath was tendered to them, by which they were to abjure the ſeditious declaration above mentioned. They all refuſed, and were condemned to a capital puniſhment by drowning. One of them was an elderly woman: The other two were young; one eighteen years of age, the other only thirteen. Even theſe violent perſecutors were aſhamed to put the youngeſt to death: But the other two were conducted to the place of execution, and were tied to ſtakes within the ſea-mark at low water: A contrivance which rendered their death lingering and dreadful. The elderly woman was placed fartheſt in, and by the riſing of the waters was firſt ſuffocated. The younger, partly terrified with the view of her companion's death, partly ſubdued by the entreaty of her friends, was prevailed with to ſay, *God ſave the king*. Immediately the ſpectators called out that ſhe had ſubmitted; and ſhe was looſened from the ſtake. Major Winram, the officer who guarded the execution, again required her to ſign the abjuration; and upon her refuſal, he ordered her inſtantly to be plunged in the water, where ſhe was ſuffocated.

The ſeverity of the adminiſtration in Scotland is in part to be aſcribed to the duke's temper, to whom the king had conſigned over the government of that country, and who gave ſuch attention to affairs as to allow nothing of moment to eſcape him. Even the government of England, from the ſame cauſe, began to be ſomewhat infected with the ſame ſeverity. The duke's credit was great at court. Though neither ſo much beloved nor eſteemed as the king, he was more dreaded; and thence an attendance more exact, as well as a ſubmiſſion more obſequious, was paid to him. The ſaying of Waller was remarked, that Charles, in ſpite to the parliament, who had determined that the duke ſhould not ſucceed him, was reſolved that he ſhould reign even in his lifetime.

The king, however, who loved to maintain a balance in his councils, ſtill ſupported Halifax, whom he created a marquis, and made privy-ſeal, though ever in oppoſition to the duke. This man, who poſſeſſed the fineſt genius

genius and moſt extenſive capacity of all employed in public affairs during the preſent reign, affected a ſpecies of neutrality between the parties, and was eſteemed the head of that ſmall body known by the denomination of *Trimmers*. This conduct, which is more natural to men of integrity than of ambition, could not, however, procure him the former character; and he was always, with reaſon, regarded as an intriguer rather than a patriot. Sunderland, who had promoted the excluſion-bill, and who had been diſplaced on that account, was again, with the duke's conſent, brought into the adminiſtration. The extreme duplicity, at leaſt variableneſs, of this man's conduct, through the whole courſe of his life, made it be ſuſpected that it was by the king's direction he had mixed with the country party. Hyde, created earl of Rocheſter, was firſt commiſſioner of the treaſury, and was entirely in the duke's intereſts.

The king himſelf was obliged to act as the head of a party; a diſagreeable ſituation for a prince, and always the ſource of much injuſtice and oppreſſion. He knew how obnoxious the diſſenters were to the church; and he reſolved, contrary to the maxims of toleration which he had hitherto ſupported in England, to gratify his friends by the perſecution of his enemies. The laws againſt conventicles were now rigorouſly executed; an expedient which, the king knew, would diminiſh neither the numbers nor influence of the nonconformiſts; and which is therefore to be deemed more the reſult of paſſion than of policy. Scarcely any perſecution ſerves the intended purpoſe but ſuch as amounts to a total extermination.

Though the king's authority made every day great advances, it ſtill met with conſiderable obſtacles, chiefly from the city, which was entirely in the hands of the malcontents. The juries, in particular, named by the ſheriffs, were not likely to be impartial judges between the crown and the people; and, after the experiments already made in the caſe of Shafteſbury and that of College, treaſon, it was apprehended, might there be committed with impunity. There could not therefore be a more

a more important ſervice to the court than to put affairs upon a different footing. Sir John Moore, the mayor, was gained by ſecretary Jenkins, and encouraged to inſiſt upon the cuſtomary privilege of his office, of naming one of the ſheriffs. Accordingly, when the time of election came, he drank to North, a Levant merchant, who accepted of that expenſive office. The country party ſaid, that, being lately returned from Turkey, he was, on account of his recent experience, better qualified to ſerve the purpoſes of the court. A poll was opened for the election of another ſheriff; and here began the conteſt. The majority of the common-hall, headed by the two ſheriffs of the former year, refuſed to acknowledge the mayor's right of appointing one ſheriff, but inſiſted that both muſt be elected by the livery. (24th June.) Papillon and Dubois were the perſons whom the country party agreed to elect: Box was pointed out by the courtiers. The poll was opened; but as the mayor would not allow the election to proceed for two vacancies, the ſheriffs and he ſeparated, and each carried on the poll apart. The country party, who voted with the ſheriffs for Papillon and Dubois, were much more numerous than thoſe who voted with the mayor for Box: But as the mayor inſiſted, that his poll was the only legal one, he declared Box to be duly elected. All difficulties, however, were not ſurmounted. Box, apprehenſive of the conſequences which might attend ſo dubious an election, fined off; and the mayor found it neceſſary to proceed to a new choice. When the matter was propoſed to the common-hall, a loud cry was raiſed, No election! No election! The two ſheriffs already elected, Papillon and Dubois, were inſiſted on as the only legal magiſtrates. But as the mayor ſtill maintained, that Box alone had been legally choſen, and that it was now requiſite to ſupply his place, he opened books anew; and during the tumult and confuſion of the citizens, a few of the mayor's partiſans elected Rich, unknown to and unheeded by the reſt of the livery. North and Rich were accordingly ſworn in ſheriffs for the enſuing year; but it was neceſſary to ſend a guard of the train-bands to protect

tect them in entering upon their office. A new mayor of the court party was ſoon after choſen *; by means, as is pretended, ſtill more violent and irregular.

Thus the country party were diſlodged from their ſtrong hold in the city; where, ever ſince the commencement of factions in the Engliſh government, they had, without interruption, almoſt without moleſtation, maintained a ſuperiority. It had been happy, had the partialities, hitherto objected to juries, been corrected, without giving place to partialities of an oppoſite kind: But in the preſent diſtracted ſtate of the nation, an equitable neutrality was almoſt impoſſible to be attained. The court and church party, who were now named on juries, made juſtice ſubſervient to their factious views; and the king had a proſpect of obtaining full revenge on his enemies. It was not long before the effects of theſe alterations were ſeen. When it was firſt reported that the duke intended to leave Scotland, Pilkington, at that time ſheriff, a very violent man, had broken out in theſe terms, "He has already burned the city; and he is now "coming to cut all our throats!" For theſe ſcandalous expreſſions, the duke ſued Pilkington; and enormous damages, to the amount of 100,000 pounds, were decreed him. By the law of England, ratified in the great charter, no fines or damages ought to extend to the total ruin of a criminal. Sir Patience Ward, formerly mayor, who gave evidence for Pilkington, was ſued for perjury, and condemned to the pillory: A ſevere ſentence, and ſufficient to deter all witneſſes from appearing in favour of thoſe who were proſecuted by the court.

(1683.) But though the crown had obtained ſo great a victory in the city, it was not quite deciſive; and the conteſt might be renewed every year at the election of magiſtrates. An important project, therefore, was formed, not only to make the king maſter of the city, but by that precedent to gain him uncontrolled influence in all the corporations of England, and thereby give the greateſt wound to the legal conſtitution, which the moſt powerful

* October 25.

and moſt arbitrary monarchs had ever yet been able to inflict. A writ of *quo warranto* was iſſued againſt the city; that is, an inquiry into the validity of its charter. It was pretended, that the city had forfeited all its privileges, and ought to be declared no longer a corporation, on account of two offences which the court of aldermen and common-council had committed. After the great fire in 1666, all the markets had been rebuilt, and had been fitted up with many conveniences; and, in order to defray the expenſe, the magiſtrates had impoſed a ſmall toll on goods brought to market: In the year 1679, they had addreſſed the king againſt the prorogation of parliament, and had employed the following terms: "Your "petitioners are greatly ſurpriſed at the late prorogation, "whereby the proſecution of the public juſtice of the "kingdom, and the making of neceſſary proviſions for "the preſervation of your majeſty and your proteſtant "ſubjects, have received interruption." Theſe words were pretended to contain a ſcandalous reflection on the king and his meaſures. The cauſe of the city was defended againſt the attorney and ſolicitor generals by Treby and Pollexfen.

Theſe laſt pleaded that, ſince the foundation of the monarchy, no corporation had ever yet been expoſed to forfeiture, and the thing itſelf implied an abſurdity: That a corporation, as ſuch, was incapable of all crime or offence, and none were anſwerable for any iniquity but the perſons themſelves who committed it: That the members, in chooſing magiſtrates, had entruſted them with legal powers only; and where the magiſtrates exceeded theſe powers, their acts were void, but could never involve the body itſelf in any criminal imputation: That ſuch had ever been the practice of England, except at the reformation, when the monaſteries were aboliſhed; but this was an extraordinary caſe; and it was even thought neceſſary to ratify afterwards the whole tranſaction by act of parliament: That corporate bodies, framed for public good, and calculated for perpetual duration, ought not to be annihilated for the temporary faults of their members, who might themſelves, without hurting

ing the community, be queſtioned for their offences: That even a private eſtate, if entailed, could not be forfeited to the crown, on account of treaſon committed by the tenant for life; but upon his demiſe went to the next in remainder: That the offences objected to the city, far from deſerving ſo ſevere a puniſhment, were not even worthy of the ſmalleſt reprehenſion: That all corporations were inveſted with the power of making bye-laws; and the ſmalleſt borough in England had ever been allowed to carry the exerciſe of this power farther than London had done in the inſtance complained of: That the city, having, at its own expenſe, repaired the markets, which were built too on its own eſtate, might as lawfully claim a ſmall recompence from ſuch as brought commodities thither, as a man might require rent for a houſe of which he was poſſeſſed: That thoſe who diſliked the condition might abſtain from the market; and whoever paid had done it voluntarily: That it was an avowed right of the ſubjects to petition; nor had the city in their addreſs abuſed this privilege: That the king himſelf had often declared, the parliament often voted, the nation to be in danger from the popiſh plot; which, it is evident, could not be fully proſecuted but in a parliamentary manner: That the impeachment of the popiſh lords was certainly obſtructed by the frequent prorogations; as was alſo the enacting of neceſſary laws, and providing for the defence of the nation: That the loyalty of the city, no leſs than their regard to ſelf-preſervation, might prompt them to frame the petition; ſince it was acknowledged, that the king's life was every moment expoſed to the moſt imminent danger from the popiſh conſpiracy: That the city had not accuſed the king of obſtructing juſtice, much leſs of having any ſuch intention; ſince it was allowed, that evil counſellors were alone anſwerable for all the pernicious conſequences of any meaſure: And that it was unaccountable, that two public deeds which had not, during ſo long a time, ſubjected to any, even the ſmalleſt penalty, the perſons guilty of them, ſhould now be puniſhed ſo ſeverely upon the corporation, which always was, and always muſt be innocent.

It is evident, that thoſe who would apologiſe for the meaſures of the court, muſt, in this caſe, found their arguments, not on law, but reaſons of ſtate. The judges, therefore, who condemned the city *, are inexcuſable; ſince the ſole object of their determinations muſt ever be the pure principles of juſtice and equity. But the office of judge was at that time held during pleaſure; and it was impoſſible that any cauſe, where the court bent its force, could ever be carried againſt it. After ſentence was pronounced, the city applied in a humble manner to the king; and he agreed to reſtore their charter, but in return they were obliged to ſubmit to the following regulations: That no mayor, ſheriff, recorder, common ſerjeant, town clerk, or coroner, ſhould be admitted to the exerciſe of his office without his majeſty's approbation: That if the king diſapprove twice of the mayor or ſheriffs elected, he may by commiſſion appoint theſe magiſtrates: That the mayor and court of aldermen may, with his majeſty's leave, diſplace any magiſtrate: And that no alderman, in caſe of a vacancy, ſhall be elected without conſent of the court of aldermen, who, if they diſapprove twice of the choice, may fill the vacancy.

All the corporations in England, having the example of London before their eyes, ſaw how vain it would prove to contend with the court, and were, moſt of them, ſucceſſively induced to ſurrender their charters into the king's hands. Conſiderable ſums were exacted for reſtoring the charters; and all offices of power and profit were left at the diſpoſal of the crown. It ſeems ſtrange, that the independent royaliſts, who never meant to make the crown abſolute, ſhould yet be ſo elated with the victory obtained over their adverſaries, as to approve of a precedent, which left no national privileges in ſecurity, but enabled the king under like pretences, and by means of like inſtruments, to recall anew all thoſe charters, which at preſent he was pleaſed to grant. And every friend to liberty muſt allow, that the nation, whoſe

* 12th June.

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conſtitution was thus broken in the ſhock of faction, had a right, by every prudent expedient, to recover that ſecurity of which it was ſo unhappily bereaved.

While ſo great a faction adhered to the crown, it is apparent, that reſiſtance, however juſtifiable, could never be prudent; and all wiſe men ſaw no expedient but peaceably to ſubmit to the preſent grievances. There was, however, a party of malcontents, ſo turbulent in their diſpoſition, that, even before this laſt iniquity, which laid the whole conſtitution at the mercy of the king, they had meditated plans of reſiſtance; at a time when it could be as little juſtifiable as prudent. In the ſpring 1681 *, a little before the Oxford parliament, the king was ſeized with a fit of ſickneſs at Windſor, which gave great alarm to the public. The duke of Monmouth, lord Ruſſel, lord Grey, inſtigated by the reſtleſs Shafteſbury, had agreed, in caſe the king's ſickneſs ſhould prove mortal, to riſe in arms, and to oppoſe the ſucceſſion of the duke. Charles recovered; but theſe dangerous projects were not laid aſide. The ſame conſpirators, together with Eſſex and Saliſbury, were determined to continue the Oxford parliament, after the king, as was daily expected, ſhould diſſolve it; and they engaged ſome leaders among the commons in the ſame deſperate meaſure. They went ſo far as to detain ſeveral lords in the houſe, under pretence of ſigning a proteſt againſt rejecting Fitz-harris's impeachment: But hearing that the commons had broken up in great conſternation, they were likewiſe obliged at laſt to ſeparate. Shafteſbury's impriſonment and trial put an end for ſome time to theſe

* Lord Grey's Secret Hiſtory of the Rye-houſe Plot. This is the moſt full and authentic account of all theſe tranſactions; and is in the main confirmed by biſhop Sprat, and even Burnet, as well as by the trials and dying confeſſions of the conſpirators: So that nothing can be more unaccountable than that any one ſhould pretend that this conſpiracy was an impoſture like the popiſh plot. Monmouth's declaration, publiſhed in the next reign, confeſſes a conſult for extraordinary remedies.

machinations; and it was not till the new ſheriffs were impoſed on the city that they were revived. The leaders of the country party began then to apprehend themſelves in imminent danger; and they were well pleaſed to find that the citizens were ſtruck with the ſame terror, and were thence inclined to undertake the moſt perilous enterpriſes. Beſides the city, the gentry and nobility in ſeveral counties of England were ſolicited to riſe in arms. Monmouth engaged the earl of Macclesfield, lord Brandon, ſir Gilbert Gerrard, and other gentlemen in Cheſhire; lord Ruſſel fixed a correſpondence with ſir William Courtney, ſir Francis Rowes, ſir Francis Drake, who promiſed to raiſe the weſt; and Trenchard in particular, who had intereſt in the diſaffected town of Taunton, aſſured him of conſiderable aſſiſtance from that neighbourhood. Shafteſbury, and his emiſſary Ferguſon, an independent clergyman, and a reſtleſs plotter, managed the correſpondence in the city, upon which the confederates chiefly relied. The whole train was ready to take fire; but was prevented by the caution of lord Ruſſel, who induced Monmouth to delay the enterpriſe. Shafteſbury, in the mean time, was ſo much affected with the ſenſe of his danger, that he had left his houſe, and ſecretly lurked in the city; meditating all thoſe deſperate ſchemes, which diſappointed revenge and ambition could inſpire. He exclaimed loudly againſt delay, and repreſented to his confederates, that having gone ſo far, and entruſted the ſecret into ſo many hands, there was no ſafety for them but in a bold and deſperate proſecution of their purpoſe. The projects were therefore renewed: Meetings of the conſpirators were appointed in different houſes, particularly in Shephard's, an eminent wine-merchant in the city: The plan of an inſurrection was laid in London, Cheſhire, Devonſhire, and Briſtol: The ſeveral places of rendezvous were concerted; and all the operations fixed: The ſtate of the guards was even viewed by Monmouth and Armſtrong, and an attack on them pronounced practicable: A declaration to juſtify the enterpriſe to the public was read and agreed to: And every circumſtance ſeemed now to render

render an inſurrection unavoidable; when a new delay was procured by Trenchard, who declared, that the riſing in the weſt could not for ſome weeks be in ſufficient forwardneſs.

Shafteſbury was enraged at theſe perpetual cautions and delays in an enterpriſe which, he thought, nothing but courage and celerity could render effectual: He threatened to commence the inſurrection with his friends in the city alone; and he boaſted, that he had ten thouſand *briſk boys*, as he called them, who, on a motion of his finger, were ready to fly to arms. Monmouth, Ruſſel, and the other conſpirators, were, during ſome time, in apprehenſions leſt deſpair ſhould puſh him into ſome dangerous meaſure; when they heard that, after a long combat between fear and rage, he had at laſt abandoned all hopes of ſucceſs, and had retired into Holland. He lived in a private manner at Amſterdam; and for greater ſecurity deſired to be admitted into the magiſtracy of that city: But his former violent counſels againſt the Dutch commonwealth were remembered; and all applications from him were rejected. He died ſoon after; and his end gave neither ſorrow to his friends, nor joy to his enemies. His furious temper, notwithſtanding his capacity, had done great injury to the cauſe in which he was engaged. The violences and iniquities which he ſuggeſted and encouraged, were greater than even faction itſelf could endure; and men could not forbear ſometimes recollecting, that the ſame perſon, who had become ſo zealous a patriot, was once a moſt proſtitute courtier. It is remarkable, that this man, whoſe principles and conduct were, in all other reſpects, ſo exceptionable, proved an excellent chancellor; and that all his decrees, while he poſſeſſed that high office, were equally remarkable for juſtneſs and for integrity. So difficult is it to find in hiſtory a character either wholly bad or perfectly good; though the prejudices of party make writers run eaſily into the extremes both of panegyric and of ſatire!

After Shafteſbury's departure, the conſpirators found ſome difficulty in renewing the correſpondence with the city

city malcontents, who had been accuſtomed to depend ſolely on that nobleman. Their common hopes, however, as well as common fears, made them at laſt have recourſe to each other; and a regular project of an inſurrection was then formed. A council of ſix was erected, conſiſting of Monmouth, Ruſſel, Eſſex, Howard, Algernon Sidney, and John Hambden, grandſon of the great parliamentary leader. Theſe men entered into an agreement with Argyle and the Scottiſh malcontents; who engaged, that, upon the payment of 10,000 pounds for the purchaſe of arms in Holland, they would bring the covenanters into the field. Inſurrections, likewiſe, were anew projected in Cheſhire, and the weſt, as well as in the city; and ſome meetings of the leaders were held, in order to reduce theſe projects into form. The conſpirators differed extremely in their views. Sidney was paſſionate for a commonwealth. Eſſex had embraced the ſame project. But Monmouth had entertained hopes of acquiring the crown for himſelf. Ruſſel, as well as Hambden, was much attached to the ancient conſtitution, and intended only the excluſion of the duke, and the redreſs of grievances. Lord Howard was a man of no principle, and was ready to embrace any party which his immediate intereſt ſhould recommend to him. But notwithſtanding this difference of characters and of views, their common hatred of the duke and the preſent adminiſtration united them in one party; and the dangerous experiment of an inſurrection was fully reſolved on.

While theſe ſchemes were concerting among the leaders, there was an inferior order of conſpirators, who held frequent meetings; and, together with the inſurrection, carried on projects quite unknown to Monmouth and the cabal of ſix. Among theſe men were colonel Rumſey, an old republican officer, who had diſtinguiſhed himſelf in Portugal, and had been recommended to the king by mareſchal Schomberg; lieutenant-colonel Walcot, likewiſe a republican officer; Goodenough, under-ſheriff of London, a zealous and noted party-man; Weſt, Tyley, Norton, Ayloffe, lawyers; Ferguſon, Rouſe, Hone,

Hone, Keiling, Holloway, Bourne, Lee, Rumbald. Moſt of theſe laſt were merchants or tradeſmen; and the only perſons of this confederacy, who had acceſs to the leaders of the party, were Rumſey and Ferguſon. When theſe men met together, they indulged themſelves in the moſt deſperate and moſt criminal diſcourſe: They frequently mentioned the aſſaſſination of the King and the duke, to which they had given the familiar appellation of *lopping*: They even went ſo far as to have thought of a ſcheme for that purpoſe. Rumbald, who was a maltſter, poſſeſſed a farm, called the Ryehouſe, which lay on the road to Newmarket, whither the king commonly went once a-year, for the diverſion of the races. A plan of this farm had been laid before ſome of the conſpirators by Rumbald, who ſhowed them how eaſy it would be, by overturning a cart, to ſtop at that place the king's coach; while they might fire upon him from the hedges, and be enabled afterwards, through bye-lanes and croſs the fields, to make their eſcape. But though the plauſibility of this ſcheme gave great pleaſure to the conſpirators, no concerted deſign was as yet laid, nor any men, horſes, or arms, provided: The whole was little more than looſe diſcourſe, the overflowings of their zeal and rancour. The houſe, in which the king lived at Newmarket, took fire accidentally; and he was obliged to leave that place eight days ſooner than he intended. To this circumſtance his ſafety was afterwards aſcribed, when the conſpiracy was detected; and the court party could not ſufficiently admire the wiſe diſpenſations of Providence. It is indeed certain, that as the king had thus unexpectedly left Newmarket, he was worſe attended than uſual; and Rumbald informed his confederates with regret, what a fine opportunity was thus unfortunately loſt.

Among the conſpirators I have mentioned Keiling, a ſalter in London. This man had been engaged in a bold meaſure, of arreſting the mayor of London, at the ſuit of Papillon and Dubois, the outed ſheriffs; and being liable to proſecution for that action, he thought it ſafeſt to purchaſe a pardon, by revealing the conſpiracy, in

in which he was deeply concerned. (12th June.) He brought to ſecretary Jenkins intelligence of the aſſaſſination plot; but as he was a ſingle evidence, the ſecretary, whom many falſe plots had probably rendered incredulous, ſcrupled to iſſue warrants for the commitment of ſo great a number of perſons. Keiling, therefore, in order to fortify his teſtimony, engaged his brother in treaſonable diſcourſe with Goodenough, one of the conſpirators; and Jenkins began now to give more attention to the intelligence. The conſpirators had got ſome hint of the danger in which they were involved; and all of them concealed themſelves. One perſon alone, of the name of Barber, an inſtrument-maker, was ſeized; and as his confeſſion concurred in many particulars with Keiling's information, the affair ſeemed to be put out of all queſtion; and a more diligent ſearch was every-where made after the conſpirators.

Weſt, the lawyer, and colonel Rumſey, finding the perils to which they were expoſed in endeavouring to eſcape, reſolved to ſave their own lives at the expenſe of their companions; and they ſurrendered themſelves with an intention of becoming evidence. Weſt could do little more than confirm the teſtimony of Keiling with regard to the aſſaſſination plot; but Rumſey, beſides giving additional confirmation of the ſame deſign, was at laſt, though with much difficulty, led to reveal the meetings at Shephard's. Shephard was immediately apprehended; and had not courage to maintain fidelity to his confederates. Upon his information, orders were iſſued for arreſting the great men engaged in the conſpiracy. Monmouth abſconded: Ruſſel was ſent to the Tower: Grey was arreſted, but eſcaped from the meſſenger: Howard was taken, while he concealed himſelf in a chimney; and being a man of profligate morals, as well as indigent circumſtances, he ſcrupled not, in hopes of a pardon and a reward, to reveal the whole conſpiracy. Eſſex, Sidney, and Hambden, were immediately apprehended upon his evidence. Every day ſome of the conſpirators were detected in their lurking-places, and thrown into priſon.

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Lieutenant-colonel Walcot was firſt brought to his trial. This man, who was once noted for bravery, had been ſo far overcome by the love of life, that he had written to ſecretary Jenkins, and had offered, upon promiſe of pardon, to turn evidence: But no ſooner had he taken this mean ſtep, than he felt more generous ſentiments ariſe in him; and he endeavoured, though in vain, to conceal himſelf. The witneſſes againſt him were Rumſey, Weſt, Shephard, together with Bourne, a brewer. His own letter to the ſecretary was produced, and rendered the teſtimony of the witneſſes unqueſtionable. Hone and Rouſe were alſo condemned. Theſe two men, as well as Walcot, acknowledged, at their execution, the juſtice of the ſentence; and from their trial and confeſſion it is ſufficiently apparent, that the plan of an inſurrection had been regularly formed; and that even the aſſaſſination had been often talked of, and not without the approbation of many of the conſpirators.

The condemnation of theſe criminals was probably intended as a preparative to the trial of lord Ruſſel, and ſerved to impreſs the public with a thorough belief of the conſpiracy, as well as a horror againſt it. The witneſſes produced againſt the noble priſoner, were Rumſey, Shephard, and lord Howard. Rumſey ſwore, that he himſelf had been introduced at the cabal at Shephard's, where Ruſſel was preſent; and had delivered them a meſſage from Shafteſbury, urging them to haſten the intended inſurrection: But had received for anſwer, that it was found neceſſary to delay the deſign, and that Shafteſbury muſt therefore, for ſome time, reſt contented. This anſwer, he ſaid, was delivered by Ferguſon; but was aſſented to by the priſoner. He added, that ſome diſcourſe had been entered into about taking a ſurvey of the guards; and he thought that Monmouth, Grey, and Armſtrong, undertook to view them. Shephard depoſed, that his houſe had beforehand been beſpoken by Ferguſon for the ſecret meeting of the conſpirators, and that he had been careful to keep all his ſervants from approaching them, and had ſerved them himſelf. Their diſ-

courſe, he ſaid, ran chiefly upon the means of ſurpriſing the guards; and it was agreed, that Monmouth and his two friends ſhould take a ſurvey of them. The report, which they brought next meeting, was, that the guards were remiſs, and that the deſign was practicable: But he did not affirm that any reſolution was taken of executing it. The priſoner, he thought, was preſent at both theſe meetings; but he was ſure that at leaſt he was preſent at one of them. A declaration, he added, had been read by Ferguſon in Ruſſel's preſence: The reaſons of the intended inſurrection were there ſet forth, and all the public grievances fully diſplayed.

Lord Howard had been one of the cabal of ſix, eſtabliſhed after Shafteſbury's flight; and two meetings had been held by the conſpirators, one at Hambden's, another at Ruſſel's. Howard depoſed, that, at the firſt meeting, it was agreed to begin the inſurrection in the country before the city; the places were fixed, the proper quantity and kind of arms agreed on, and the whole plan of operations concerted: That at the ſecond meeting, the converſation chiefly turned upon their correſpondence with Argyle and the diſcontented Scots, and that the principal management of that affair was entruſted to Sidney, who had ſent one Aaron Smith into Scotland with proper inſtructions. He added, that in theſe deliberations no queſtion was put, or votes collected; but there was no contradiction; and, as he took it, all of them, and the priſoner among the reſt, gave their conſent.

Rumſey and Shephard were very unwilling witneſſes againſt lord Ruſſel; and it appears from Grey's Secret Hiſtory, that, if they had pleaſed, they could have given a more explicit teſtimony againſt him. This reluctance, together with the difficulty in recollecting circumſtances of a converſation which had paſſed above eight months before, and which the perſons had not at that time any intention to reveal, may beget ſome ſlight objection to their evidence. But on the whole it was undoubtedly proved, that the inſurrection had been deliberated on by the priſoner, and fully reſolved; the ſurpriſal

priſal of the guards deliberated on, but not fully reſolved; and that an aſſaſſination had never once been mentioned nor imagined by him. So far the matter of fact ſeems certain: But ſtill, with regard to law, there remained a difficulty, and that of an important nature.

The Engliſh laws of treaſon, both in the manner of defining that crime, and in the proof required, are the mildeſt and moſt indulgent, and conſequently the moſt equitable, that are any-where to be found. The two chief ſpecies of treaſon, contained in the ſtatute of Edward III. are the compaſſing and intending of the king's death, and the actually levying of war againſt him; and by the law of Mary, the crime muſt be proved by the concurring teſtimony of two witneſſes, to ſome overt act, tending to theſe purpoſes. But the lawyers, partly deſirous of paying court to the ſovereign, partly convinced of ill conſequences which might attend ſuch narrow limitations, had introduced a greater latitude, both in the proof and definition of the crime. It was not required that the two witneſſes ſhould teſtify the ſame preciſe overt act: It was ſufficient, that they both teſtified ſome overt act of the ſame treaſon; and though this evaſion may ſeem a ſubtilty, it had long prevailed in the courts of judicature, and had at laſt been ſolemnly fixed by parliament at the trial of lord Stafford. The lawyers had uſed the ſame freedom with the law of Edward III. They had obſerved, that, by that ſtatute, if a man ſhould enter into a conſpiracy for a rebellion, ſhould even fix a correſpondence with foreign powers for that purpoſe, ſhould provide arms and money, yet, if he were detected and no rebellion enſued, he could not be tried for treaſon. To prevent this inconvenience, which it had been better to remedy by a new law, they had commonly laid their indictment for intending the death of the king, and had produced the intention of rebellion as a proof of that other intention. But though this form of indictment and trial was very frequent, and many criminals had received ſentence upon it, it was ſtill conſidered as ſomewhat irregular, and was plainly confounding by a ſophiſm, two ſpecies of treaſon, which the ſtatute had accurately

curately diſtinguiſhed. What made this refinement ſtill more exceptionable was, that a law had paſſed ſoon after the reſtoration; in which the conſulting or the intending of a rebellion was, during Charles's lifetime, declared treaſon; and it was required, that the proſecution ſhould be commenced within ſix months after the crime was committed. But notwithſtanding this ſtatute, the lawyers had perſevered, as they ſtill do perſevere, in the old form of indictment; and both ſir Harry Vane, and Oliver Plunket, titular primate of Ireland, had been tried by it. Such was the general horror entertained againſt the old republicans and the popiſh conſpirators, that no one had murmured againſt this interpretation of the ſtatute; and the lawyers thought that they might follow the precedent, even in the caſe of the popular and beloved lord Ruſſel. Ruſſel's crime fell plainly within the ſtatute of Charles the IId; but the facts ſworn to by Rumſey and Shephard were beyond the ſix months required by law, and to the other facts Howard was a ſingle witneſs. To make the indictment, therefore, more extenſive, the intention of murdering the king was comprehended in it; and for proof of this intention the conſpiracy for raiſing a rebellion was aſſigned; and what ſeemed to bring the matter ſtill nearer, the deſign of attacking the king's guards.

Ruſſel perceived this irregularity, and deſired to have the point argued by counſel: The chief-juſtice told him, that this favour could not be granted, unleſs he previouſly confeſſed the facts charged upon him. The artificial confounding of the two ſpecies of treaſon, though a practice ſupported by many precedents, is the chief, but not the only, hardſhip, of which Ruſſel had reaſon to complain on his trial. His defence was feeble; and he contented himſelf with proteſting, that he never had entertained any deſign againſt the life of the king. His veracity would not allow him to deny the conſpiracy for an inſurrection. The jury were men of fair and reputable characters, but zealous royaliſts: After a ſhort deliberation, they brought in the priſoner guilty.

Applica-

Applications were made to the king for a pardon: Even money, to the amount of a hundred thouſand pounds, was offered to the dutcheſs of Portſmouth by the old earl of Bedford, father to Ruſſel. The king was inexorable. He had been extremely haraſſed with the violence of the country party; and he had obſerved, that the priſoner, beſides his ſecret deſigns, had always been carried to the higheſt extremity of oppoſition in parliament. Ruſſel had even adopted a ſentiment, ſimilar to what we meet with in a letter of the younger Brutus. Had his father, he ſaid, adviſed the king to reject the excluſion-bill, he would be the firſt to move for a parliamentary impeachment againſt him. When ſuch determined reſolution was obſerved, his popularity, his humanity, his juſtice, his very virtues, became ſo many crimes, and were uſed as arguments againſt ſparing him. Charles therefore would go no farther than remitting the more ignominious part of the ſentence, which the law requires to be pronounced againſt traitors. "Lord Ruſſel," ſaid he, "ſhall find, that I am poſ-"ſeſſed of that prerogative, which in the caſe of lord "Stafford he thought proper to deny me." As the fury of the country party had rendered it impoſſible for the king, without the imminent danger of his crown, to pardon ſo many catholics, whom he firmly believed innocent, and even affectionate and loyal to him; he probably thought, that, ſince the edge of the law was now ready to fall upon that party themſelves, they could not reaſonably expect that he would interpoſe to ſave them.

Ruſſel's conſort, a woman of virtue, daughter and heir of the good earl of Southampton, threw herſelf at the king's feet, and pleaded with many tears the merits and loyalty of her father, as an atonement for thoſe errors, into which honeſt, however miſtaken, principles had ſeduced her huſband. Theſe ſupplications were the laſt inſtance of female weakneſs (if they deſerve the name) which ſhe betrayed. Finding all applications vain, ſhe collected courage, and not only fortified herſelf againſt the fatal blow, but endeavoured by her example to ſtrengthen the reſolution of her unfortunate lord. With

a tender and decent compoſure they took leave of each other on the day of his execution. "The bitterneſs of "death is now paſt," ſaid he, when he turned from her. Lord Cavendiſh had lived in the cloſeſt intimacy with Ruſſel, and deſerted not his friend in the preſent calamity. He offered to manage his eſcape, by changing clothes with him, and remaining at all hazards in his place. Ruſſel refuſed to ſave his own life, by an expedient which might expoſe his friend to ſo many hardſhips. When the duke of Monmouth by meſſage offered to ſurrender himſelf, if Ruſſel thought that this meaſure would anywiſe contribute to his ſafety; "It will be no advantage "to me," he ſaid, "to have my friends die with me." Some of his expreſſions diſcover, not only compoſure, but good humour in this melancholy extremity. The day before his execution he was ſeized with a bleeding at the noſe. "I ſhall not now let blood to divert this diſ"temper," ſaid he to doctor Burnet who attended him; "that will be done to-morrow." A little before the ſheriffs conducted him to the ſcaffold, he wound up his watch, "Now I have done," ſaid he, "with time, and "henceforth muſt think ſolely of eternity."

(July 21.) The ſcaffold was erected in Lincoln's Inn Fields, a place diſtant from the Tower; and it was probably intended, by conducting Ruſſel through ſo many ſtreets, to ſhow the mutinous city their beloved leader, once the object of all their confidence, now expoſed to the utmoſt rigours of the law. As he was the moſt popular among his own party; ſo was he ever the leaſt obnoxious to the oppoſite faction: And his melancholy fate united every heart, ſenſible of humanity, in a tender compaſſion for him. Without the leaſt change of countenance, he laid his head on the block; and at two ſtrokes it was ſevered from his body.

In the ſpeech, which he delivered to the ſheriffs, he was very anxious to clear his memory from any imputation of ever intending the king's death, or any alteration in the government: He could not explicitly confeſs the projected inſurrection without hurting his friends, who might ſtill be called in queſtion for it; but he did

not

not purge himſelf of that deſign, which, in the preſent condition of the nation, he regarded as no crime. By many paſſages in his ſpeech he ſeems to the laſt to have lain under the influence of party zeal; a paſſion which, being nouriſhed by a ſocial temper, and clothing itſelf under the appearance of principle, it is almoſt impoſſible for a virtuous man, who has acted in public life, ever thoroughly to eradicate. He profeſſed his entire belief in the popiſh plot: And he ſaid, that, though he had often heard the ſeizure of the guards mentioned, he had ever diſapproved of that attempt. To which he added, that the maſſacring of ſo many innocent men in cool blood was ſo like a popiſh practice, that he could not but abhor it. Upon the whole, the integrity and virtuous intentions, rather than the capacity, of this unfortunate nobleman, ſeem to have been the ſhining parts of his character.

Algernon Sidney was next brought to his trial. This gallant perſon, ſon of the earl of Leiceſter, had entered deeply into the war againſt the late king; and though nowiſe tainted with enthuſiaſm, he had ſo far ſhared in all the counſels of the independent republican party, as to have been named on the high court of juſtice, which tried and condemned that monarch: He thought not proper, however, to take his ſeat among the judges. He ever oppoſed Cromwel's uſurpation with zeal and courage; and after making all efforts againſt the reſtoration, he reſolved to take no benefit of the general indemnity, but choſe voluntary baniſhment, rather than ſubmit to a government and family which he abhorred. As long as the republican party had any exiſtence, he was active in every ſcheme, however unpromiſing, which tended to promote their cauſe: But at length, in 1677, finding it neceſſary for his private affairs to return to England, he had applied for the king's pardon, and had obtained it. When the factions, ariſing from the popiſh plot, began to run high, Sidney, full of thoſe ideas of liberty, which he had imbibed from the great examples of antiquity, joined the popular party; and was even willing to ſeek a

ſecond time, through all the horrors of civil war, for his adored republic.

From this imperfect ſketch of the character and conduct of this ſingular perſonage, it may eaſily be conceived how obnoxious he was become to the court and miniſtry: What alone renders them blameable was the illegal method which they took for effecting their purpoſe againſt him. On Sidney's trial they produced a great number of witneſſes, who proved the reality of a plot in general; and when the priſoner exclaimed, that all theſe evidences ſaid nothing of him, he was anſwered, that this method of proceeding, however irregular, had been practiſed in the proſecutions of the popiſh conſpirators; a topic more fit to condemn one party than to juſtify the other. The only witneſs who depoſed againſt Sidney, was lord Howard; but as the law required two witneſſes, a ſtrange expedient was fallen on to ſupply this deficiency. In ranſacking the priſoner's cloſet, ſome diſcourſes on government were found; in which he had maintained principles, favourable indeed to liberty, but ſuch as the beſt and moſt dutiful ſubjects in all ages have been known to embrace; the original contract, the ſource of power from a conſent of the people, the lawfulneſs of reſiſting tyrants, the preference of liberty to the government of a ſingle perſon. Theſe papers were aſſerted to be equivalent to a ſecond witneſs, and even to many witneſſes. The priſoner replied, that there was no other reaſon for aſcribing theſe papers to him as the author, beſides a ſimilitude of hand; a proof which was never admitted in criminal proſecutions: That allowing him to be the author, he had compoſed them ſolely for his private amuſement, and had never publiſhed them to the world, or even communicated them to any ſingle perſon: That, when examined, they appeared, by the colour of the ink, to have been written many years before, and were in vain produced as evidence of a preſent conſpiracy againſt the government: And that where the law poſitively requires two witneſſes, one witneſs, attended with the moſt convincing circumſtances, could never ſuffice; much leſs,

leſs, when ſupported by a circumſtance ſo weak and precarious. All theſe arguments, though urged by the priſoner with great courage and pregnancy of reaſon, had no influence. The violent and inhuman Jefferies was now chief-juſtice; and by his direction a partial jury was eaſily prevailed on to give verdict againſt Sidney. His execution followed a few days after *: He complained, and with reaſon, of the iniquity of the ſentence; but he had too much greatneſs of mind to deny thoſe conſpiracies with Monmouth and Ruſſel, in which he had been engaged. He rather gloried, that he now ſuffered for that *good old cauſe*, in which, from his earlieſt youth, he ſaid, he had enliſted himſelf.

The execution of Sidney is regarded as one of the greateſt blemiſhes of the preſent reign. The evidence againſt him, it muſt be confeſſed, was not legal; and the jury, who condemned him, were, for that reaſon, very blameable. But that after ſentence paſſed by a court of judicature, the king ſhould interpoſe and pardon a man, who, though otherwiſe poſſeſſed of merit, was undoubtedly guilty, who had ever been a moſt inflexible and moſt inveterate enemy to the royal family, and who lately had even abuſed the king's clemency, might be an act of heroic generoſity, but can never be regarded as a neceſſary and indiſpenſable duty.

Howard was alſo the ſole evidence againſt Hambden; and his teſtimony was not ſupported by any material circumſtance. The crown-lawyers therefore found it in vain to try the priſoner for treaſon: They laid the indictment only for a miſdemeanour, and obtained ſentence againſt him. The fine impoſed was exorbitant; no leſs than forty thouſand pounds.

Holloway, a merchant of Briſtol, one of the conſpirators, had fled to the Weſt-Indies, and was now brought over. He had been outlawed; but the year allowed him for ſurrendering himſelf was not expired. A trial was therefore offered him: But as he had at firſt confeſſed his being engaged in a conſpiracy for an inſurrection, and

* 13th December.

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even allowed that he had heard ſome diſcourſe of an aſſaſſination, though he had not approved of it, he thought it more expedient to throw himſelf on the king's mercy. He was executed, perſiſting in the ſame confeſſion.

Sir Thomas Armſtrong, who had been ſeized in Holland, and ſent over by Chidley, the king's miniſter, was preciſely in the ſame ſituation with Holloway: But the ſame favour, or rather juſtice, was refuſed him. The lawyers pretended, that, unleſs he had voluntarily ſurrendered himſelf before the expiration of the time aſſigned, he could not claim the privilege of a trial; not conſidering that the ſeizure of his perſon ought in equity to be ſuppoſed the accident which prevented him. The king bore a great enmity againſt this gentleman, by whom he believed the duke of Monmouth to have been ſeduced from his duty: He alſo aſſerted, that Armſtrong had once promiſed Cromwel to aſſaſſinate him; though it muſt be confeſſed, that the priſoner juſtified himſelf from this imputation by very ſtrong arguments. Theſe were the reaſons of that injuſtice which was now done him. It was apprehended that ſufficient evidence of his guilt could not be produced; and that even the partial juries, which were now returned, and which allowed themſelves to be entirely directed by Jefferies and other violent judges, would not give ſentence againſt him.

On the day that Ruſſel was tried, Eſſex, a man eminent both for virtues and abilities, was found in the Tower with his throat cut. The coroner's inqueſt brought in their verdict, *ſelf-murder*: Yet becauſe two children ten years old (one of whom too departed from his evidence) had affirmed that they heard a great noiſe from his window, and that they ſaw a hand throw out a bloody razor; theſe circumſtances were laid hold of, and the murder was aſcribed to the king and the duke, who happened that morning to pay a viſit to the Tower. Eſſex was ſubject to fits of deep melancholy, and had been ſeized with one immediately upon his commitment: He was accuſtomed to maintain the lawfulneſs of ſuicide:

cide: And his counteſs, upon a ſtrict inquiry, which was committed to the care of Dr. Burnet, found no reaſon to confirm the ſuſpicion: Yet could not all theſe circumſtances, joined to many others, entirely remove the imputation. It is no wonder, that faction is ſo productive of vices of all kinds: For, beſides that it inflames all the paſſions, it tends much to remove thoſe great reſtraints, honour and ſhame; when men find, that no iniquity can loſe them the applauſe of their own party, and no innocence ſecure them againſt the calumnies of the oppoſite.

But though there is no reaſon to think that Eſſex had been murdered by any orders from court, it muſt be acknowledged than an unjuſtifiable uſe in Ruſſel's trial was made of that incident. The king's counſel mentioned it in their pleadings as a ſtrong proof of the conſpiracy; and it is ſaid to have had great weight with the jury. It was inſiſted on in Sidney's trial for the ſame purpoſe.

Some memorable cauſes, tried about this time, though they have no relation to the Rye-houſe conſpiracy, ſhow the temper of the bench and of the juries. Oates was convicted of having called the duke a popiſh traitor; was condemned in damages to the amount of one hundred thouſand pounds; and was adjudged to remain in priſon till he ſhould make payment. A like ſentence was paſſed upon Dutton-Colt for a like offence. Sir Samuel Barnardiſton was fined ten thouſand pounds; becauſe in ſome private letters which had been intercepted, he had reflected on the government. This gentleman was obnoxious, becauſe he had been foreman of that jury which rejected the bill againſt Shafteſbury. A pretence was therefore fallen upon for puniſhing him; though ſuch a precedent may juſtly be deemed a very unuſual act of ſeverity, and ſufficient to deſtroy all confidence in private friendſhip and correſpondence.

There is another remarkable trial which ſhows the diſpoſition of the courts of judicature, and which, though it paſſed in the enſuing year, it may not be improper to relate in this place. One Roſewel, a preſbyterian

byterian preacher, was accuſed by three women of having ſpoken treaſonable words in a ſermon. They ſwore to two or three periods, and agreed ſo exactly together, that there was not the ſmalleſt variation in their depoſitions. Roſewel on the other hand made a very good defence. He proved, that the witneſſes were lewd and infamous perſons. He proved, that, even during Cromwel's uſurpations, he had always been a royaliſt; that he prayed conſtantly for the king in his family; and that in his ſermons he often inculcated the obligations of loyalty. And as to the ſermon of which he was accuſed, ſeveral witneſſes, who heard it, and ſome who wrote it in ſhort-hand, depoſed that he had uſed no ſuch expreſſions as thoſe which were imputed to him. He offered his own notes as a farther proof. The women could not ſhow, by any circumſtance or witneſs, that they were at his meeting. And the expreſſions, to which they depoſed, were ſo groſs, that no man in his ſenſes could be ſuppoſed to employ them before a mixt audience. It was alſo urged, that it appeared next to impoſſible for three women to remember ſo long a period upon one ſingle hearing, and to remember it ſo exactly, as to agree to a tittle in their depoſitions with regard to it. The priſoner offered to put the whole upon this iſſue: He would pronounce, with his uſual tone of voice, a period as long as that to which they had ſworn; and then let them try to repeat it, if they could. What was more unaccountable, they had forgotten even the text of his ſermon; nor did they remember any ſingle paſſage, but the words to which they gave evidence. After ſo ſtrong a defence, the ſolicitor-general thought not proper to make any reply: Even Jefferies went no farther than ſome general declamations againſt conventicles and preſbyterians: Yet ſo violent were party prejudices, that the jury gave a verdict againſt the priſoner; which however appeared ſo palpably unjuſt, that it was not carried into execution.

The duke of Monmouth had abſconded on the firſt diſcovery of the conſpiracy; and the court could get no intelligence of him. At length, Halifax, who began

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to apprehend the too great prevalence of the royal party, and who thought that Monmouth's intereſt would prove the beſt counterpoiſe to the duke's, diſcovered his retreat, and prevailed on him to write two letters to the king, full of the tendereſt and moſt ſubmiſſive expreſſions. The king's fondneſs was revived; and he permitted Monmouth to come to court. He even endeavoured to mediate a reconciliation between his ſon and his brother; and having promiſed Monmouth, that his teſtimony ſhould never be employed againſt any of his friends, he engaged him to give a full account of the plot. But, in order to put the country party to ſilence, he called next day an extraordinary council, and informed them, that Monmouth had ſhewed great penitence for the ſhare which he had had in the late conſpiracy, and had expreſſed his reſolutions never more to engage in ſuch criminal enterpriſes. He went ſo far as to give orders, that a paragraph to the like purpoſe ſhould be inſerted in the Gazette. Monmouth kept ſilence till he had obtained his pardon in form: But finding that, by taking this ſtep, he was entirely diſgraced with his party, and that even though he ſhould not be produced in court as an evidence, his teſtimony, being ſo publicly known, might have weight with juries on any future trial, he reſolved at all hazards to retrieve his honour. His emiſſaries, therefore, received orders to deny that he had ever made any ſuch confeſſion as that which was imputed to him; and the party exclaimed, that the whole was an impoſture of the court. The king, provoked at this conduct, baniſhed Monmouth his preſence, and afterwards ordered him to depart the kingdom.

The court was aware, that the malcontents in England had held a correſpondence with thoſe of Scotland; and that Baillie of Jerviſwood, a man of merit and learning, with two gentlemen of the name of Campbel, had come to London, under pretence of negotiating the ſettlement of the Scottiſh preſbyterians in Carolina, but really with a view of concerting meaſures with the Engliſh conſpirators. Baillie was ſent priſoner to Edinburgh; but as no evidence appeared againſt him, the council

council required him to ſwear, that he would anſwer all queſtions which ſhould be propounded to him. He refuſed to ſubmit to ſo iniquitous a condition; and a fine of ſix thouſand pounds was impoſed upon him. At length, two perſons, Spence and Carſtares, being put to the torture, gave evidence which involved the earl of Tarras and ſome others, who, in order to ſave themſelves, were reduced to accuſe Baillie. He was brought to trial; and being in ſo languiſhing a condition from the treatment which he had met with in priſon, that it was feared he would not ſurvive that night, he was ordered to be executed the very afternoon on which he received ſentence.

The ſeverities exerciſed during this part of the preſent reign, were much contrary to the uſual tenour of the king's conduct; and though thoſe who ſtudied his character more narrowly, have pronounced, that towards great offences he was rigid and inexorable, the nation were more inclined to aſcribe every unjuſt or hard meaſure to the prevalence of the duke, into whoſe hands the king had, from indolence, not from any opinion of his brother's ſuperior capacity, reſigned the reins of government. The crown indeed gained great advantage from the detection of the conſpiracy, and loſt none by the rigorous execution of the conſpirators: The horror entertained againſt the aſſaſſination plot, which was generally confounded with the project for an inſurrection, rendered the whole party unpopular, and reconciled the nation to the meaſures of the court. The moſt loyal addreſſes came from all parts; and the doctrine of ſubmiſſion to the civil magiſtrate, and even of an unlimited paſſive obedience, became the reigning principle of the times. The univerſity of Oxford paſſed a ſolemn decree condemning ſome doctrines which they termed republican, but which indeed are, moſt of them, the only tenets on which liberty and a limited conſtitution can be founded. The faction of the excluſioniſts, lately ſo numerous, powerful, and zealous, were at the king's feet; and were as much fallen in their ſpirit as in their credit with the nation. Nothing that had the leaſt ap-

pearance of oppoſition to the court, could be hearkened to by the public *.

(1684.) The king endeavoured to increaſe his preſent popularity by every art; and knowing, that the ſuſpicion of popery was of all others the moſt dangerous, he judged it proper to marry his niece, the lady Anne, to prince George, brother to the king of Denmark. All the credit, however, and perſuaſion of Halifax, could not engage him to call a parliament, or truſt the nation with the election of a new repreſentative. Though his revenues were extremely burdened, he rather choſe to ſtruggle with the preſent difficulties, than try an experiment which, by raiſing afreſh ſo many malignant humours, might prove dangerous to his repoſe. The duke likewiſe zealouſly oppoſed this propoſal, and even engaged the king in meaſures which could have no tendency, but to render any accommodation with a parliament altogether impracticable. Williams, who had been ſpeaker during the two laſt parliaments, was proſecuted for warrants, iſſued by him, in obedience to orders of the houſe: A breach of privilege, which it ſeemed not likely any future houſe of commons would leave unqueſtioned. Danby and the popiſh lords, who had ſo long been confined in the Tower, and who ſaw no proſpect of a trial in parliament, applied by petition, and were admitted to bail: A meaſure juſt in itſelf, but deemed a great encroachment on the privileges of that aſſembly. The duke, contrary to law, was reſtored to the office of high-admiral, without taking the teſt.

Had the leaſt grain of jealouſy or emulation been mixed in the king's character; had he been actuated by that concern for his people's or even for his own honour, which his high ſtation demanded, he would have ha-

* In the month of November this year died prince Rupert, in the ſixty-third year of his age. He had left his own country ſo early, that he had become an entire Engliſhman, and was even ſuſpected, in his latter days, of a bias to the country party. He was for that reaſon much neglected at court. The duke of Lauderdale died alſo this year.

zarded many domeſtic inconveniencies rather than allow France to domineer in ſo haughty a manner as that which at preſent ſhe aſſumed in every negotiation. The peace of Nimeguen, impoſed by the Dutch on their unwilling allies, had diſjointed the whole confederacy; and all the powers engaged in it had diſbanded their ſupernumerary troops, which they found it difficult to ſubſiſt. Lewis alone ſtill maintained a powerful army, and by his preparations rendered himſelf every day more formidable. He now acted as if he were the ſole ſovereign in Europe, and as if all other princes were ſoon to become his vaſſals. Courts or chambers were erected in Metz and Briſac, for reuniting ſuch territories as had ever been members of any part of his new conqueſts. They made inquiry into titles buried in the moſt remote antiquity. They cited the neighbouring princes to appear before them, and iſſued decrees, expelling them the conteſted territories. The important town of Straſbourg, an ancient and a free ſtate, was ſeized by Lewis: Aloſt was demanded of the Spaniards, on a frivolous, and even ridiculous, pretence; and upon their refuſal to yield it, Luxembourg was blockaded, and ſoon after taken *. Genoa had been bombarded, becauſe the Genoeſe had ſtipulated to build ſome gallies for the Spaniards, and, in order to avoid more ſevere treatment, that republic was obliged to yield to the moſt mortifying conditions. The empire was inſulted in its head and principal members; and uſed no other expedient for redreſs, than impotent complaints and remonſtrances.

Spain was ſo enraged at the inſolent treatment which ſhe met with, that, without conſidering her preſent weak condition, ſhe declared war againſt her haughty enemy: She hoped that the other powers of Europe, ſenſible of the common danger, would fly to her aſſiſtance. The prince of Orange, whoſe ruling paſſions

* It appears from ſir John Dalrymple's Appendix, that the king received from France a million of livres for his connivance at the ſeizure of Luxembourg, beſide his ordinary penſion.

were

were love of war and animoſity againſt France, ſeconded every-where the applications of the Spaniards. In the year 1681, he made a journey to England, in order to engage the king into cloſer meaſures with the confederates. He alſo propoſed to the States to make an augmentation of their forces; but ſeveral of the provinces, and even the town of Amſterdam, had been gained by the French, and the propoſal was rejected. The prince's enemies derived the moſt plauſible reaſons of their oppoſition from the ſituation of England, and the known and avowed attachments of the Engliſh monarch.

No ſooner had Charles diſmiſſed his parliament, and embraced the reſolution of governing by prerogative alone, than he dropped his new alliance with Spain, and returned to his former dangerous connexions with Lewis. This prince had even offered to make him arbiter of his differences with Spain; and the latter power, ſenſible of Charles's partiality, had refuſed to ſubmit to ſuch a diſadvantageous propoſal. Whether any money was now remitted to England, we do not certainly know: But we may fairly preſume, that the king's neceſſities were in ſome degree relieved by France *. And though Charles had reaſon to apprehend the utmoſt danger from the great, and ſtill increaſing, naval power of that kingdom, joined to the weak condition of the Engliſh fleet, no conſideration was able to rouſe him from his preſent lethargy.

It is here we are to fix the point of the higheſt exaltation, which the power of Lewis or that of any European prince, ſince the age of Charlemagne, had ever attained. The monarch, moſt capable of oppoſing his progreſs, was entirely engaged in his intereſts; and the Turks, invited by the malcontents of Hungary, were preparing to invade the emperor, and to diſable that prince from making head againſt the progreſs of the French power. Lewis may even be accuſed of overſight, in not making ſufficient advantage of ſuch favourable opportunities, which he was never afterwards able to recall. But that

* See note [A] at the end of the volume.

monarch, though more governed by motives of ambition than by thoſe of juſtice or moderation, was ſtill more actuated by the ſuggeſtions of vanity. He contented himſelf with inſulting and domineering over all the princes and free ſtates of Europe; and he thereby provoked their reſentment without ſubduing their power. While every one, who approached his perſon, and behaved with ſubmiſſion to his authority, was treated with the higheſt politeneſs; all the neighbouring potentates had ſucceſſively felt the effects of his haughty imperious diſpoſition. And by indulging his poets, orators, and courtiers, in their flatteries, and in their prognoſtications of univerſal empire, he conveyed faſter, than by the proſpect of his power alone, the apprehenſion of general conqueſt and ſubjection.

(1685.) The French greatneſs never, during his whole reign, inſpired Charles with any apprehenſions; and Clifford, it is ſaid, one of his moſt favoured miniſters, went ſo far as to affirm, that it were better for the king to be viceroy under a great and generous monarch, than a ſlave to five hundred of his own inſolent ſubjects. The ambition, therefore, and uncontrolled power of Lewis were no diminution of Charles's happineſs; and in other reſpects his condition ſeemed at preſent more eligible than it had ever been ſince his reſtoration. A mighty faction which had ſhaken his throne, and menaced his family, was totally ſubdued; and by their precipitate indiſcretion had expoſed themſelves both to the rigour of the laws and to public hatred. He had recovered his former popularity in the nation; and what probably pleaſed him more than having a compliant parliament, he was enabled to govern altogether without one. But it is certain, that the king, amidſt all theſe promiſing circumſtances, was not happy or ſatisfied. Whether he found himſelf expoſed to difficulties for want of money, or dreaded a recoil of the popular humour from the preſent arbitrary meaſures, is uncertain. Perhaps the violent, imprudent temper of the duke, by puſhing Charles upon dangerous attempts, gave him apprehenſion and uneaſineſs. He was overheard

heard one day to ſay, in oppoſing ſome of the duke's haſty counſels, "Brother, I am too old to go again to "my travels: You may, if you chuſe it." Whatever was the cauſe of the king's diſſatisfaction, it ſeems probable, that he was meditating ſome change of meaſures, and had formed a new plan of adminiſtration. He was determined, it is thought, to ſend the duke to Scotland, to recall Monmouth, to ſummon a parliament, to diſmiſs all his unpopular miniſters, and to throw himſelf entirely on the good-will and affections of his ſubjects*. Amidſt theſe truly wiſe and virtuous deſigns, he was ſeized with a ſudden fit, which reſembled an apoplexy; and though he was recovered from it by bleeding, he languiſhed only for a few days, and then expired †, in the fifty-fifth year of his age, and twenty-fifth of his reign. He was ſo happy in a good conſtitution of body, and had ever been ſo remarkably careful of his health, that his death ſtruck as great a ſurpriſe into his ſubjects, as if he had been in the flower of his youth. And their great concern for him, owing to their affection for his perſon, as well as their dread of his ſucceſſor, very naturally, when joined to the critical time of his death, begat the ſuſpicion of poiſon. All circumſtances however conſidered, this ſuſpicion muſt be allowed to vaniſh; like many others, of which all hiſtories are full.

During the few days of the king's illneſs, clergymen of the church of England attended him; but he diſcovered a total indifference towards their devotions and exhortation. Catholic prieſts were brought, and he received the ſacrament from them, accompanied with the other rites of the Romiſh church. Two papers were found in his cabinet, written with his own hand, and containing arguments in favour of that communion. The duke had the imprudence immediately to publiſh theſe papers, and thereby both confirmed all the reproaches of thoſe who had been the greateſt enemies to his brother's

* King James's Memoirs confirm this rumour, as alſo D'Avaux's Negotiations, 14 Dec. 1684.

† 6th February.

meaſures, and afforded to the world a ſpecimen of his own bigotry.

If we ſurvey the character of Charles II. in the different lights, which it will admit of, it will appear various, and give riſe to different and even oppoſite ſentiments. When conſidered as a companion, he appears the moſt amiable and engaging of men; and indeed, in this view, his deportment muſt be allowed altogether unexceptionable. His love of raillery was ſo tempered with good breeding, that it was never offenſive: His propenſity to ſatire was ſo checked with diſcretion, that his friends never dreaded their becoming the object of it: His wit, to uſe the expreſſion of one who knew him well, and who was himſelf a good judge *, could not be ſaid ſo much to be very refined or elevated, qualities apt to beget jealouſy and apprehenſion in company, as to be a plain, gaining, well-bred, recommending kind of wit. And though perhaps he talked more than ſtrict rules of behaviour might permit, men were ſo pleaſed with the affable communicative deportment of the monarch, that they always went away contented both with him and with themſelves. This indeed is the moſt ſhining part of the king's character; and he ſeems to have been ſenſible of it: For he was fond of dropping the formality of ſtate, and of relapſing every moment into the companion.

In the duties of private life his conduct, though not free from exception, was, in the main, laudable. He was an eaſy generous lover, a civil obliging huſband, a friendly brother, an indulgent father, and a good-natured maſter. The voluntary friendſhips, however, which this prince contracted, nay, even his ſenſe of gratitude, were feeble; and he never attached himſelf to any of his miniſters or courtiers with a ſincere affection. He believed them to have no motive in ſerving him but ſelf-intereſt; and he was ſtill ready, in his turn, to ſacrifice them to preſent eaſe or convenience.

* Marquis of Halifax.

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With a detail of his private character we muſt ſee bounds to our panegyric on Charles. The other parts of his conduct may admit of ſome apology, but can deſerve ſmall applauſe. He was indeed ſo much fitted for private life, preferably to public, that he even poſſeſſed order, frugality, and economy, in the former: Was profuſe, thoughtleſs, and negligent, in the latter. When we conſider him as a ſovereign, his character, though not altogether deſtitute of virtue, was in the main dangerous to his people, and diſhonourable to himſelf. Negligent of the intereſts of the nation, careleſs of its glory, averſe to its religion, jealous of its liberty, laviſh of its treaſure, ſparing only of its blood; he expoſed it by his meaſures, though he ever appeared but in ſport, to the danger of a furious civil war, and even to the ruin and ignominy of a foreign conqueſt. Yet may all theſe enormities, if fairly and candidly examined, be imputed, in a great meaſure, to the indolence of his temper: A fault which, however unfortunate in a monarch, it is impoſſible for us to regard with great ſeverity.

It has been remarked of Charles, that he never ſaid a fooliſh thing nor ever did a wiſe one: A cenſure which, though too far carried, ſeems to have ſome foundation in his character and deportment. When the king was informed of this ſaying, he obſerved, that the matter was eaſily accounted for: For that his diſcourſe was his own, his actions were the miniſtry's.

If we reflect on the appetite for power inherent in human nature, and add to it the king's education in foreign countries, and among the cavaliers, a party which would naturally exaggerate the late uſurpations of popular aſſemblies upon the rights of monarchy; it is not ſurpriſing, that civil liberty ſhould not find in him a very zealous patron. Haraſſed with domeſtic faction, weary of calumnies and complaints, oppreſſed with debts, ſtraitened in his revenue, he ſought, though with feeble efforts, for a form of government, more ſimple in its ſtructure and more eaſy in its management. But his attachment to France, after all the pains, which we have taken,

taken, by inquiry and conjecture, to fathom it, contains ſtill ſomething, it muſt be confeſſed, myſterious and inexplicable. The hopes of rendering himſelf abſolute by Lewis's aſſiſtance ſeem ſo chimerical, that they could ſcarcely be retained with ſuch obſtinacy by a prince of Charles's penetration: And as to pecuniary ſubſidies, he ſurely ſpent much greater ſums in one ſeaſon, during the ſecond Dutch war, than were remitted him from France during the whole courſe of his reign. I am apt therefore to imagine, that Charles was in this particular guided chiefly by inclination, and by a prepoſſeſſion in favour of the French nation. He conſidered that people as gay, ſprightly, polite, elegant, courteous, devoted to their prince, and attached to the catholic faith, and for theſe reaſons he cordially loved them. The oppoſite character of the Dutch had rendered them the objects of his averſion; and even the uncourtly humours of the Engliſh made him very indifferent towards them. Our notions of intereſt are much warped by our affections; and it is not altogether without example, that a man may be guided by national prejudices, who has ever been little biaſſed by private and perſonal friendſhip.

The character of this prince has been elaborately drawn by two great maſters, perfectly well acquainted with him, the duke of Buckingham and the marquis of Halifax; not to mention ſeveral elegant ſtrokes given by ſir William Temple. Dr. Welwood likewiſe and biſhop Burnet have employed their pencil on the ſame ſubject: But the former is ſomewhat partial in his favour; as the latter is by far too harſh and malignant. Inſtead of finding an exact parallel between Charles II. and the emperor Tiberius, as aſſerted by that prelate, it would be more juſt to remark a full contraſt and oppoſition. The emperor ſeems as much to have ſurpaſſed the king in abilities, as he falls ſhort of him in virtue. Provident, wiſe, active, jealous, malignant, dark, ſullen, unſociable, reſerved, cruel, unrelenting, unforgiving; theſe are the lights under which the Roman tyrant has been tranſmitted to us. And the only circumſtance in which it can juſtly be pretended he was ſimilar to Charles, is his

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JAMES II.

his love of women, a paſſion which is too general to form any ſtriking reſemblance, and which that deteſtable and deteſted monſter ſhared alſo with unnatural appetites.

CHAP. LXX.

JAMES II.

King's firſt tranſactions—A parliament—Arguments for and againſt a revenue for life—Oates convicted of perjury—Monmouth's invaſion—His defeat—and execution—Cruelties of Kirke—and of Jefferies—State of affairs in Scotland—Argyle's invaſion—defeat—and execution—A parliament—French perſecutions—The diſpenſing power—State of Ireland—Breach betwixt the king and the church—Court of eccleſiaſtical commiſſion—Sentence againſt the biſhop of London—Suſpenſion of the penal laws—State of Ireland—Embaſſy to Rome—Attempt upon Magdalen College—Impriſonment—trial and acquittal of the biſhops—Birth of the prince of Wales.

THE firſt act of James's reign was to aſſemble the privy-council; where, after ſome praiſes beſtowed on the memory of his predeceſſor, he made profeſſions of his reſolution to maintain the eſtabliſhed government, both in church and ſtate. Though he had been reported, he ſaid, to have imbibed arbitrary principles, he knew that the laws of England were ſufficient to make him as great a monarch as he could wiſh; and he was determined never to depart from them. And as he had heretofore ventured his life in defence of the nation, he would ſtill go as far as any man in maintaining all its juſt rights and liberties.

This diſcourſe was received with great applauſe, not only by the council, but by the nation. The king univerſally paſſed for a man of great ſincerity and great honour;

honour; and as the current of favour ran at that time for the court, men believed that his intentions were conformable to his expreſſions. "We have now," it was ſaid, "the word of a king; and a word never yet "broken." Addreſſes came from all quarters, full of duty, nay of the moſt ſervile adulation. Every one haſtened to pay court to the new monarch*: And James had reaſon to think, that, notwithſtanding the violent efforts made by ſo potent a party for his excluſion, no throne in Europe was better eſtabliſhed than that of England.

The king, however, in the firſt exerciſe of his authority, ſhowed, that either he was not ſincere in his profeſſions of attachment to the laws, or that he had entertained ſo lofty an idea of his own legal power, that even his utmoſt ſincerity would tend very little to ſecure the liberties of the people. All the cuſtoms and the greater part of the exciſe had been ſettled by parliament on the late king during life, and conſequently the grant was now expired; nor had the ſucceſſor any right to levy theſe branches of revenue. But James iſſued a proclamation, ordering the cuſtoms and exciſe to be paid as before; and this exertion of power he would not deign to qualify by the leaſt act or even appearance of condeſcenſion. It was propoſed to him, that, in order to prevent the ill effects of any intermiſſion in levying theſe duties, entries ſhould be made, and bonds for the ſums be taken from the merchants and brewers; but the payment be ſuſpended till the parliament ſhould give authority to receive it. This precaution was recommended as an expreſſion

* The quakers' addreſs was eſteemed ſomewhat ſingular for its plainneſs and ſimplicity. It was conceived in theſe terms: "We are come to teſtify our ſorrow for the death of "our good friend Charles, and our joy for thy being made "our governor. We are told thou art not of the perſuaſion "of the church of England, no more than we: Where- "fore we hope thou wilt grant us the ſame liberty which "thou alloweſt thyſelf. Which doing, we wiſh thee all "manner of happineſs."

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of deference to that aſſembly, or rather to the laws: But for that very reaſon, probably, it was rejected by the king, who thought that the commons would thence be invited to aſſume more authority, and would regard the whole revenue, and conſequently the whole power, of the crown, as dependant on their good will and pleaſure.

The king likewiſe went openly, and with all the enſigns of his dignity, to maſs, an illegal meeting: And by this imprudence he diſplayed at once his arbitrary diſpoſition, and the bigotry of his principles: Thoſe two great characteriſtics of his reign, and bane of his adminiſtration. He even ſent Caryl, as his agent, to Rome, in order to make ſubmiſſions to the pope, and to pave the way for a ſolemn re-admiſſion of England into the boſom of the catholic church. The pope, Innocent the XIth, prudently adviſed the king not to be too precipitate in his meaſures, nor raſhly attempt what repeated experience might convince him was impracticable. The Spaniſh ambaſſador, Ronquillo, deeming the tranquillity of England neceſſary for the ſupport of Spain, uſed the freedom to make like remonſtrances. He obſerved to the king, how buſy the prieſts appeared at court, and adviſed him not to aſſent with too great facility to their dangerous counſels. "Is it not the cuſtom in Spain," ſaid James, "for the king to conſult with his confeſſor?"—"Yes," replied the ambaſſador, "and it is for that very reaſon "our affairs ſucceed ſo ill."

James gave hopes on his acceſſion, that he would hold the balance of power more ſteadily than his predeceſſor; and that France, inſtead of rendering England ſubſervient to her ambitious projects, would now meet with ſtrong oppoſition from that kingdom. Beſides applying himſelf to buſineſs with induſtry, he ſeemed jealous of national honour, and expreſſed great care, that no more reſpect ſhould be paid to the French ambaſſador at London than his own received at Paris. But theſe appearances were not ſufficiently ſupported, and he found himſelf immediately under the neceſſity of falling into a union with that great monarch, who, by his power as well

well as his zeal, ſeemed alone able to aſſiſt him in the projects formed for promoting the catholic religion in England.

Notwithſtanding the king's prejudices, all the chief offices of the crown continued ſtill in the hands of proteſtants. Rocheſter was treaſurer; his brother Clarendon chamberlain; Godolphin chamberlain to the queen; Sunderland ſecretary of ſtate; Halifax preſident of the council. This nobleman had ſtood in oppoſition to James during the laſt years of his brother's reign; and when he attempted, on the acceſſion, to make ſome apology for his late meaſures, the king told him, that he would forget every thing paſt, except his behaviour during the bill of excluſion. On other occaſions, however, James appeared not of ſo forgiving a temper. When the principal excluſioniſts came to pay their reſpects to the new ſovereign, they either were not admitted, or were received very coldly, ſometimes even with frowns. This conduct might ſuit the character, which the king ſo much affected, of ſincerity: But by ſhowing, that a king of England could reſent the quarrels of a duke of York, he gave his people no high idea either of his lenity or magnanimity.

On all occaſions, the king was open in declaring, that men muſt now look for a more active and more vigilant government, and that he would retain no miniſters, who did not practiſe an unreſerved obedience to his commands. We are not indeed to look for the ſprings of his adminiſtration ſo much in his council and chief officers of ſtate, as in his own temper, and in the character of thoſe perſons with whom he ſecretly conſulted. The queen had great influence over him; a woman of ſpirit, whoſe conduct had been popular till ſhe arrived at that high dignity. She was much governed by the prieſts, eſpecially the Jeſuits; and as theſe were alſo the king's favourites, all public meaſures were taken originally from the ſuggeſtions of theſe men, and bore evident marks of their ignorance in government, and of the violence of their religious zeal.

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The king however had another attachment, ſeemingly not very conſiſtent with this devoted regard to his queen and to his prieſts: It was to Mrs. Sedley, whom he ſoon after created counteſs of Dorcheſter, and who expected to govern him with the ſame authority which the dutcheſs of Portſmouth had poſſeſſed during the former reign. But James, who had entertained the ambition of converting his people, was told, that the regularity of his life ought to correſpond to the ſanctity of his intentions; and he was prevailed with to remove Mrs. Sedley from court: A reſolution in which he had not the courage to perſevere. Good agreement between the miſtreſs and the confeſſor of princes is not commonly a difficult matter to compaſs: But in the preſent caſe theſe two potent engines of command were found very incompatible. Mrs. Sedley, who poſſeſſed all the wit and ingenuity of her father, ſir Charles, made the prieſts and their counſels the perpetual objects of her raillery; and it is not to be doubted, but they, on their part, redoubled their exhortations with their penitent to break off ſo criminal an attachment.

How little inclination ſoever the king, as well as his queen and prieſts, might bear to an Engliſh parliament, it was abſolutely neceſſary, at the beginning of the reign, to ſummon that aſſembly. The low condition, to which the whigs or country party had fallen during the laſt years of Charles's reign, the odium under which they laboured on account of the Rye-houſe conſpiracy; theſe cauſes made that party meet with little ſucceſs in the elections. The general reſignation too of the charters had made the corporations extremely dependant; and the recommendations of the court, though little aſſiſted, at that time, by pecuniary influence, were become very prevalent. The new houſe of commons, therefore, conſiſted almoſt entirely of zealous tories and churchmen; and were of conſequence ſtrongly biaſſed, by their affections, in favour of the meaſures of the crown.

The diſcourſe which the king made to the parliament *, was more fitted to work on their fears than their

* 19th May.

affections. He repeated indeed, and with great ſolemnity, the promiſe which he had made before the privy-council, of governing according to the laws, and of preſerving the eſtabliſhed religion: But at the ſame time he told them, that he poſitively expected they would ſettle his revenue, and during life too, as in the time of his brother. "I might uſe many arguments," ſaid he, "to "enforce this demand; the benefit of trade, the ſupport "of the navy, the neceſſities of the crown, and the "well-being of the government itſelf, which I muſt not "ſuffer to be precarious: But I am confident, that your "own conſideration, and your ſenſe of what is juſt and "reaſonable, will ſuggeſt to you whatever on this oc-"caſion might be enlarged upon. There is indeed one "popular argument," added he, "which may be urged "againſt compliance with my demand: Men may think, "that by feeding me from time to time with ſuch ſup-"plies as they think convenient, they will better ſecure "frequent meetings of parliament: But as this is the "firſt time I ſpeak to you from the throne, I muſt pla-"ly tell you, that ſuch an expedient would be very im-"proper to employ with me, and that the beſt way to "engage me to meet you often, is always to uſe me "well."

It was eaſy to interpret this language of the king's. He plainly intimated, that he had reſources in his prerogative for ſupporting the government, independent of their ſupplies; and that ſo long as they complied with his demands, he would have recourſe to them; but that any ill uſage on their part would ſet him free from thoſe meaſures of government, which he ſeemed to regard more as voluntary than as neceſſary. It muſt be confeſſed, that no parliament in England was ever placed in a more critical ſituation, nor where more forcible arguments could be urged, either for their oppoſition to the court, or their compliance with it.

It was ſaid on the one hand, that jealouſy of royal power was the very baſis of the Engliſh conſtitution, and the principle to which the nation was beholden for all that liberty which they enjoy above the ſubjects of other monarchies. That this jealouſy, though, at different

periods,

periods, it may be more or leſs intenſe, can never ſafely be laid aſleep, even under the beſt and wiſeſt princes. That the character of the preſent ſovereign afforded cauſe for the higheſt vigilance, by reaſon of the arbitrary principles which he had imbibed; and ſtill more, by reaſon of his religious zeal, which it is impoſſible for him ever to gratify, without aſſuming more authority than the conſtitution allows him. That power is to be watched in its very firſt encroachments; nor is any thing ever gained by timidity and ſubmiſſion. That every conceſſion adds new force to uſurpation; and at the ſame time, by diſcovering the daſtardly diſpoſitions of the people, inſpires it with new courage and enterpriſe. That as arms were entruſted altogether in the hands of the prince, no check remained upon him but the dependant condition of his revenue; a ſecurity therefore which it would be the moſt egregious folly to abandon. That all the other barriers, which, of late years, had been erected againſt arbitrary power, would be found, without this capital article, to be rather pernicious and deſtructive. That new limitations in the conſtitution ſtimulated the monarch's inclination to ſurmount the laws, and required frequent meetings of parliament, in order to repair all the breaches, which either time or violence may have made upon that complicated fabric. That recent experience during the reign of the late king, a prince who wanted neither prudence nor moderation, had ſufficiently proved the ſolidity of all theſe maxims. That his parliament, having raſhly fixed his revenue for life, and at the ſame time repealed the triennial bill, found that they themſelves were no longer of importance, and that liberty, not protected by national aſſemblies, was expoſed to every outrage and violation. And that the more openly the king made an unreaſonable demand, the more obſtinately ought it to be refuſed; ſince it is evident, that his purpoſe in making it cannot poſſibly be juſtifiable.

On the other hand it was urged, that the rule of watching the very firſt encroachments of power could only have place, where the oppoſition to it could be regular,

peaceful, and legal. That though the refuſal of the king's preſent demand might ſeem of this nature, yet in reality it involved conſequences, which led much farther than at firſt ſight might be apprehended. That the king in his ſpeech had intimated, that he had reſources in his prerogative, which, in caſe of oppoſition from parliament, he thought himſelf fully entitled to employ. That if the parliament openly diſcovered an intention of reducing him to dependance, matters muſt preſently be brought to a criſis, at a time the moſt favourable to his cauſe, which his moſt ſanguine wiſhes could ever have promiſed him. That if we caſt our eyes abroad, to the ſtate of affairs on the continent, and to the ſituation of Scotland and Ireland; or, what is of more importance, if we conſider the diſpoſition of men's minds at home; every circumſtance would be found adverſe to the cauſe of liberty. That the country party, during the late reign, by their violent, and in many reſpects unjuſtifiable, meaſures in parliament, by their deſperate attempts out of parliament, had expoſed their principles to general hatred, and had excited extreme jealouſy in all the royaliſts and zealous churchmen, who now formed the bulk of the nation. That it would not be acceptable to that party to ſee this king worſe treated than his brother in point of revenue, or any attempts made to keep the crown in dependance. That they thought parliaments as liable to abuſe as courts, and deſired not to ſee things in a ſituation, where the king could not, if he found it neceſſary, either prorogue or diſſolve thoſe aſſemblies. That if the preſent parliament, by making great conceſſions, could gain the king's confidence, and engage him to obſerve the promiſes now given them, every thing would by gentle methods ſucceed to their wiſhes. That if, on the contrary, after ſuch inſtances of compliance, he formed any deſigns on the liberty and religion of the nation, he would, in the eyes of all mankind, render himſelf altogether inexcuſable, and the whole people would join in oppoſition to him. That reſiſtance could ſcarcely be attempted twice; and there was therefore the greater neceſſity for waiting till time and incidents had fully prepared

pared the nation for it. That the king's prejudices in favour of popery, though in the main pernicious, were yet ſo far fortunate, that they rendered the connexion inſeparable between the national religion and national liberty. And that if any illegal attempts were afterwards made, the church, which was at preſent the chief ſupport of the crown, would ſurely catch the alarm, and would ſoon diſpoſe the people to an effectual reſiſtance.

Theſe laſt reaſons, enforced by the prejudices of party, prevailed in parliament; and the commons, beſides giving thanks for the king's ſpeech, voted unanimouſly, that they would ſettle on his preſent majeſty during life, all the revenue enjoyed by the late king at the time of his demiſe. That they might not detract from this generoſity by any ſymptoms of diſtruſt, they alſo voted unanimouſly, that the houſe entirely relied on his majeſty's royal word and repeated declarations to ſupport the religion of the church of England; but they added, that that religion was dearer to them than their lives. The ſpeaker, in preſenting the revenue-bill, took care to inform the king of their vote with regard to religion; but could not, by ſo ſignal a proof of confidence, extort from him one word in favour of that religion, on which, he told his majeſty, they ſet ſo high a value. Notwithſtanding the grounds of ſuſpicion, which this ſilence afforded, the houſe continued in the ſame liberal diſpoſition. The king having demanded a further ſupply for the navy and other purpoſes, they revived thoſe duties on wines and vinegar, which had once been enjoyed by the late king; and they added ſome impoſitions on tobacco and ſugar. This grant amounted on the whole to about ſix hundred thouſand pounds a-year.

The houſe of lords were in a humour no leſs compliant. They even went ſome lengths towards breaking in pieces all the remains of the popiſh plot; that once formidable engine of bigotry and faction.

A little before the meeting of parliament, Oates had been tried for perjury on two indictments. One for depoſing that he was preſent at a conſult of Jeſuits in Lon-

don the twenty-fourth of April 1679: Another for depoſing that father Ireland was in London between the eighth and twelfth of Auguſt and in the beginning of September in the ſame year. Never criminal was convicted on fuller and more undoubted evidence. Two and twenty perſons, who had been ſtudents at St. Omers, moſt of them men of credit and family, gave evidence, that Oates had entered into that ſeminary about Chriſtmas in the year 1678, and had never been abſent but one night, till the month of July following. Forty-ſeven witneſſes, perſons alſo of untainted character, depoſed, that father Ireland, on the third of Auguſt 1679, had gone to Staffordſhire, where he reſided till the middle of September; and, what ſome years before would have been regarded as a very material circumſtance, nine of theſe witneſſes were proteſtants, of the church of England. Oates's ſentence was, to be fined a thouſand marks on each indictment, to be whipped on two different days from Aldgate to Newgate, and from Newgate to Tyburn, to be impriſoned during life, and to be pilloried five times every year. The impudence of the man ſupported itſelf under the conviction, and his courage under the puniſhment. He made ſolemn appeals to Heaven, and proteſtations of the veracity of his teſtimony: Though the whipping was ſo cruel, that it was evidently the intention of the court to put him to death by that puniſhment, he was enabled, by the care of his friends, to recover: And he lived to king William's reign; when a penſion of four hundred pounds a-year was ſettled on him. A conſiderable number ſtill adhered to him in his diſtreſſes, and regarded him as the martyr of the proteſtant cauſe. The populace were affected with the ſight of a puniſhment, more ſevere than is commonly inflicted in England. And the ſentence of perpetual impriſonment was deemed illegal.

The conviction of Oates's perjury was taken notice of by the houſe of peers. Beſides freeing the popiſh lords, Powis, Arundel, Bellaſis, and Tyrone, together with Danby, from the former impeachment by the commons, they went ſo far as to vote a reverſal of Stafford's attainder,

der, on account of the falſehood of that evidence on which he had been condemned. This bill fixed ſo deep a reproach on the former proceedings of the excluſioniſts, that it met with great oppoſition among the lords; and it was at laſt, after one reading, dropped by the commons. Though the reparation of injuſtice be the ſecond honour which a nation can attain; the preſent emergence ſeemed very improper for granting ſo full a juſtification to the catholics, and throwing ſo foul a ſtain on the proteſtants.

The courſe of parliamentary proceedings was interrupted by the news of Monmouth's arrival in the weſt with three ſhips from Holland. No ſooner was this intelligence conveyed to the parliament, than they voted that they would adhere to his majeſty with their lives and fortunes. They paſſed a bill of attainder againſt Monmouth; and they granted a ſupply of four hundred thouſand pounds for ſuppreſſing his rebellion. Having thus ſtrengthened the hands of the king, they adjourned themſelves.

Monmouth, when ordered to depart the kingdom, during the late reign, had retired to Holland; and as it was well known that he ſtill enjoyed the favour of his indulgent father, all marks of honour and diſtinction were beſtowed upon him by the prince of Orange. After the acceſſion of James, the prince thought it neceſſary to diſmiſs Monmouth and all his followers; and that illuſtrious fugitive retired to Bruſſels. Finding himſelf ſtill purſued by the king's ſeverity, he was puſhed, contrary to his judgment as well as inclination, to make a raſh and premature attempt upon England. He ſaw that James had lately mounted the throne, not only without oppoſition, but ſeemingly with the good-will and affections of his ſubjects. A parliament was ſitting, which diſcovered the greateſt diſpoſition to comply with the king, and whoſe adherence, he knew, would give a ſanction and authority to all public meaſures. The grievances of this reign were hitherto of ſmall importance; and the people were not as yet in a diſpoſition to remark them with great ſeverity. All theſe conſiderations

tions occurred to Monmouth; but ſuch was the impatience of his followers, and ſuch the precipitate humour of Argyle, who ſet out for Scotland a little before him, that no reaſons could be attended to; and this unhappy man was driven upon his fate.

The imprudence, however, of this enterpriſe did not at firſt appear. Though on his landing at Lime in Dorſetſhire *, he had ſcarcely a hundred followers; ſo popular was his name, that in four days he had aſſembled above two thouſand horſe and foot. They were, indeed, almoſt all of them, the loweſt of the people; and the declaration which he publiſhed, was chiefly calculated to ſuit the prejudices of the vulgar, or the moſt bigotted of the whig party. He called the king duke of York; and denominated him a traitor, a tyrant, an aſſaſſin, and a popiſh uſurper. He imputed to him the fire of London, the murder of Godfrey and of Eſſex, nay the poiſoning of the late king. And he invited all the people to join in oppoſition to his tyranny.

The duke of Albemarle, ſon to him who had reſtored the royal family, aſſembled the militia of Devonſhire to the number of 4000 men, and took poſt at Axminſter, in order to oppoſe the rebels; but obſerving that his troops bore a great affection to Monmouth, he thought proper to retire. Monmouth, though he had formerly given many proofs of perſonal courage, had not the vigour of mind requiſite for an undertaking of this nature. From an ill-grounded diffidence of his men, he neglected to attack Albemarle; an eaſy enterpriſe, by which he might both have acquired credit, and have ſupplied himſelf with arms. Lord Gray, who commanded his horſe, diſcovered himſelf to be a notorious coward; yet ſuch was the ſoftneſs of Monmouth's nature, that Gray was ſtill continued in his command. Fletcher of Salton, a Scotchman, a man of ſignal probity and fine genius, had been engaged by his republican principles in this enterpriſe, and commanded the cavalry together with Gray: But being inſulted by one who had newly joined the army,

* 11th June.

and

and whoſe horſe he had in a hurry made uſe of, he was prompted by paſſion, to which he was much ſubject, to diſcharge a piſtol at the man; and he killed him on the ſpot. This incident obliged him immediately to leave the camp; and the loſs of ſo gallant an officer was a great prejudice to Monmouth's enterpriſe.

The next ſtation of the rebels was Taunton, a diſaffected town, which gladly and even fondly received them, and reinforced them with conſiderable numbers. Twenty young maids of ſome rank preſented Monmouth with a pair of colours of their handiwork, together with a copy of the bible. Monmouth was here perſuaded to take upon him the title of king, and aſſert the legitimacy of his birth; a claim which he advanced in his firſt declaration, but whoſe diſcuſſion he was determined, he then ſaid, during ſome time to poſtpone. His numbers had now increaſed to ſix thouſand; and he was obliged every day, for want of arms, to diſmiſs a great many who crowded to his ſtandard. He entered Bridgewater, Wells, Frome; and was proclaimed in all theſe places: But forgetting that ſuch deſperate enterpriſes can only be rendered ſucceſsful by the moſt adventurous courage, he allowed the expectations of the people to languiſh, without attempting any conſiderable undertaking.

While Monmouth, by his imprudent and miſplaced caution, was thus waſting time in the weſt, the king employed himſelf in making preparations to oppoſe him. Six regiments of Britiſh troops were called over from Holland: The army was conſiderably augmented: And regular forces, to the number of 3000 men, were deſpatched under the command of Feverſham and Churchill, in order to check the progreſs of the rebels.

Monmouth, obſerving that no conſiderable men joined him, finding that an inſurrection, which was projected in the city, had not taken place, and hearing that Argyle, his confederate, was already defeated and taken; ſunk into ſuch deſpondency, that he had once reſolved to withdraw himſelf, and leave his unhappy followers to their fate. His followers expreſſed more courage than

their

their leader, and ſeemed determined to adhere to him in every fortune. The negligent diſpoſition, made by Feverſham, invited Monmouth to attack the king's army at Sedgemoor near Bridgewater; and his men in this action ſhowed what a native courage and a principle of duty, even when unaſſiſted by diſcipline, is able to perform. They threw the veteran forces into diſorder; drove them from their ground; continued the fight till their ammunition failed them; and would at laſt have obtained a victory, had not the miſconduct of Monmouth and the cowardice of Gray prevented it. After a combat of three hours the rebels gave way; and were followed with great ſlaughter. About 1500 fell in the battle and puriſuit. And thus was concluded in a few weeks this enterpriſe, raſhly undertaken, and feebly conducted.

Monmouth fled from the field of battle above twenty miles till his horſe ſunk under him. He then changed clothes with a peaſant in order to conceal himſelf. The peaſant was diſcovered by the purſuers, who now redoubled the diligence of their ſearch. At laſt, the unhappy Monmouth was found lying in the bottom of a ditch, and covered with fern: His body depreſſed with fatigue and hunger; his mind, by the memory of paſt misfortunes, by the proſpect of future diſaſters. Human nature is unequal to ſuch calamitous ſituations; much more, the temper of a man, ſoftened by early proſperity, and accuſtomed to value himſelf ſolely on military bravery. He burſt into tears when ſeized by his enemies; and he ſeemed ſtill to indulge the fond hope and deſire of life. Though he might have known, from the greatneſs of his own offences, and the ſeverity of James's temper, that no mercy could be expected, he wrote him the moſt ſubmiſſive letters, and conjured him to ſpare the iſſue of a brother, who had ever been ſo ſtrongly attached to his intereſt. James, finding ſuch ſymptoms of depreſſion and deſpondency in the unhappy priſoner, admitted him to his preſence, in hopes of extorting a diſcovery of his accomplices: But Monmouth would not purchaſe life, however loved, at the price of ſo much infamy. Finding all

all efforts vain, he aſſumed courage from deſpair, and prepared himſelf for death, with a ſpirit better ſuited to his rank and character. This favourite of the people was attended to the ſcaffold * with a plentiful effuſion of tears. He warned the executioner not to fall into the error which he had committed in beheading Ruſſel, where it had been neceſſary to repeat the blow. This precaution ſerved only to diſmay the executioner. He ſtruck a feeble blow on Monmouth, who raiſed his head from the block, and looked him in the face, as if reproaching him for his failure. He gently laid down his head a ſecond time; and the executioner ſtruck him again and again to no purpoſe. He then threw aſide the axe, and cried out that he was incapable of finiſhing the bloody office. The ſheriff obliged him to renew the attempt; and at two blows more the head was ſevered from the body.

Thus periſhed, in the thirty-ſixth year of his age, a nobleman, who, in leſs turbulent times, was well qualified to be an ornament of the court, even to be ſerviceable to his country. The favour of his prince, the careſſes of faction, and the allurements of popularity, ſeduced him into enterpriſes which exceeded his capacity. The good-will of the people ſtill followed him in every fortune. Even after his execution, their fond credulity flattered them with hopes of ſeeing him once more at their head. They believed that the perſon executed was not Monmouth, but one who, having the fortune to reſemble him nearly, was willing to give this proof of his extreme attachment, and to ſuffer death in his ſtead.

This victory, obtained by the king in the commencement of his reign, would naturally, had it been managed with prudence, have tended much to increaſe his power and authority. But by reaſon of the cruelty with which it was proſecuted, and of the temerity with which it afterwards inſpired him, it was a principal cauſe of his ſudden ruin and downfal.

Such arbitrary principles had the court inſtilled into all its ſervants, that Feverſham, immediately after the

* 15th July.

victory,

victory, hanged above twenty priſoners; and was proceeding in his executions, when the biſhop of Bath and Wells warned him, that theſe unhappy men were now by law entitled to a trial, and that their execution would be deemed a real murder. This remonſtrance, however, did not ſtop the ſavage nature of colonel Kirke, a ſoldier of fortune, who had long ſerved at Tangiers, and had contracted, from his intercourſe with the Moors, an inhumanity leſs known in European and in free countries. At his firſt entry into Bridgewater, he hanged nineteen priſoners, without the leaſt inquiry into the merits of their cauſe. As if to make ſport with death, he ordered a certain number to be executed, while he and his company ſhould drink the king's health, or the queen's, or that of chief-juſtice Jefferies. Obſerving their feet to quiver in the agonies of death, he cried that he would give them muſic to their dancing; and he immediately commanded the drums to beat and the trumpets to ſound. By way of experiment, he ordered one man to be hung up three times, queſtioning him at each interval, whether he repented of his crime: But the man obſtinately aſſerting, that, notwithſtanding the paſt, he ſtill would willingly engage in the ſame cauſe, Kirke ordered him to be hung in chains. One ſtory, commonly told of him, is memorable for the treachery, as well as barbarity, which attended it. A young maid pleaded for the life of her brother, and flung herſelf at Kirke's feet, armed with all the charms which beauty and innocence, bathed in tears, could beſtow upon her. The tyrant was inflamed with deſire, not ſoftened into love or clemency. He promiſed to grant her requeſt, provided that ſhe, in her turn, would be equally compliant to him. The maid yielded to the conditions: But, after ſhe had paſſed the night with him, the wanton ſavage, next morning, ſhowed her, from the window, her brother, the darling object for whom ſhe had ſacrificed her virtue, hanging on a gibbet, which he had ſecretly ordered to be there erected for the execution. Rage and deſpair and indignation took poſſeſſion of her mind, and deprived her for ever of her ſenſes. All the inhabitants of that country, innocent

innocent as well as guilty, were expoſed to the ravages of this barbarian. The ſoldiery were let looſe to live at free quarters; and his own regiment, inſtructed by his example, and encouraged by his exhortations, diſtinguiſhed themſelves in a particular manner by their outrages. By way of pleaſantry he uſed to call them *his lambs*; an appellation which was long remembered with horror in the weſt of England.

The violent Jefferies ſucceeded after ſome interval; and ſhowed the people, that the rigours of law might equal, if not exceed, the ravages of military tyranny. This man, who wantoned in cruelty, had already given a ſpecimen of his character in many trials, where he preſided; and he now ſet out with a ſavage joy, as to a full harveſt of death and deſtruction. He began at Dorcheſter; and thirty rebels being arraigned, he exhorted them, but in vain, to ſave him, by their free confeſſion, the trouble of trying them: And when twenty-nine were found guilty, he ordered them, as an additional puniſhment of their diſobedience, to be led to immediate execution. Moſt of the other priſoners, terrified with this example, pleaded guilty; and no leſs than two hundred and ninety-two received ſentence at Dorcheſter. Of theſe, eighty were executed. Exeter was the next ſtage of his cruelty: Two hundred and forty-three were there tried, of whom a great number were condemned and executed. He alſo opened his commiſſion at Taunton and Wells; and everywhere carried conſternation along with him. The juries were ſo ſtruck with his menaces, that they gave their verdict with precipitation; and many innocent perſons, it is ſaid, were involved with the guilty. And on the whole, beſides thoſe who were butchered by the military commanders, two hundred and fifty-one are computed to have fallen by the hand of juſtice. The whole country was ſtrowed with the heads and limbs of traitors. Every village almoſt beheld the dead carcaſe of a wretched inhabitant. And all the rigours of juſtice, unabated by any appearance of clemency, were fully diſplayed to the people by the inhuman Jefferies.

Of all the executions, during this diſmal period, the moſt remarkable were thoſe of Mrs. Gaunt and lady Liſle, who had been accuſed of harbouring traitors. Mrs. Gaunt was an anabaptiſt, noted for her beneficence, which ſhe extended to perſons of all profeſſions and perſuaſions. One of the rebels, knowing her humane diſpoſition, had recourſe to her in his diſtreſs, and was concealed by her. Hearing of the proclamation, which offered an indemnity and rewards to ſuch as diſcovered criminals, he betrayed his benefactreſs, and bore evidence againſt her. He received a pardon as a recompence for his treachery; ſhe was burned alive for her charity.

Lady Liſle was widow of one of the regicides who had enjoyed great favour and authority under Cromwel, and who having fled, after the reſtoration, to Lauzanne in Swiſſerland, was there aſſaſſinated by three Iriſh ruffians, who hoped to make their fortune by this piece of ſervice. His widow was now proſecuted for harbouring two rebels the day after the battle of Sedgemoor; and Jefferies puſhed on the trial with an unrelenting violence. In vain did the aged priſoner plead, that theſe criminals had been put into no proclamation; had been convicted by no verdict; nor could any man be denominated a traitor, till the ſentence of ſome legal court was paſſed upon him: That it appeared not by any proof, that ſhe was ſo much as acquainted with the guilt of the perſons, or had heard of their joining the rebellion of Monmouth: That though ſhe might be obnoxious on account of her family, it was well known, that her heart was ever loyal, and that no perſon in England had ſhed more tears for that tragical event, in which her huſband had unfortunately borne too great a ſhare: And that the ſame principles, which ſhe herſelf had ever embraced, ſhe had carefully inſtilled into her ſon, and had, at that very time, ſent him to fight againſt thoſe rebels whom ſhe was now accuſed of harbouring. Though theſe arguments did not move Jefferies, they had influence on the jury. Twice they ſeemed inclined to bring in a favourable verdict: They were as often ſent back with menaces

naces and reproaches; and at last were constrained to give sentence against the prisoner. Notwithstanding all applications for pardon, the cruel sentence was executed. The king said, that he had given Jefferies a promise not to pardon her: An excuse, which could serve only to aggravate the blame against himself.

It might have been hoped, that, by all these bloody executions, a rebellion, so precipitate, so ill supported, and of such short duration, would have been sufficiently expiated: But nothing could satiate the spirit of rigour which possessed the administration. Even those multitudes, who received pardon, were obliged to atone for their guilt by fines, which reduced them to beggary; or where their former poverty made them incapable of paying, they were condemned to cruel whippings or severe imprisonments. Nor could the innocent escape the hands, no less rapacious than cruel, of the chief justice. Prideaux, a gentleman of Devonshire, being thrown into prison, and dreading the severe and arbitrary spirit, which at that time met with no control, was obliged to buy his liberty of Jefferies at the price of fifteen thousand pounds; though he could never so much as learn the crime of which he was accused.

Goodenough, the seditious under-sheriff of London, who had been engaged in the most bloody and desperate part of the Rye-house conspiracy, was taken prisoner after the battle of Sedgemoor, and resolved to save his own life by an accusation of Cornish, the sheriff, whom he knew to be extremely obnoxious to the court. Colonel Rumsey joined him in the accusation; and the prosecution was so hastened, that the prisoner was tried, condemned, and executed, in the space of a week. The perjury of the witnesses appeared immediately after; and the king seemed to regret the execution of Cornish. He granted his estate to his family, and condemned the witnesses to perpetual imprisonment.

The injustice of this sentence against Cornish was not wanted to disgust the nation with the court: The continued rigour of the other executions had already impressed an universal hatred against the ministers of justice,

attended with compaſſion for the unhappy ſufferers, who, as they had been ſeduced into this crime by miſtaken principles, bore their puniſhment with the ſpirit and zeal of martyrs. The people might have been willing on this occaſion to diſtinguiſh between the king and his miniſters: But care was taken to prove that the latter had done nothing but what was agreeable to their maſter. Jefferies, on his return, was immediately, for thoſe eminent ſervices, created a peer; and was ſoon after veſted with the dignity of chancellor. It is pretended, however, with ſome appearance of authority, that the king was diſpleaſed with theſe cruelties, and put a ſtop to them by orders, as ſoon as proper information of them was conveyed to him.

We muſt now take a view of the ſtate of affairs in Scotland; where the fate of Argyle had been decided before that of Monmouth. Immediately after the king's acceſſion, a parliament had been ſummoned at Edinburgh; and all affairs were there conducted by the duke of Queenſberry the commiſſioner, and the earl of Perth chancellor. The former had reſolved to make an entire ſurrender of the liberties of his country; but was determined ſtill to adhere to its religion: The latter entertained no ſcruple of paying court even by the ſacrifice of both. But no courtier, even the moſt proſtitute, could go farther than the parliament itſelf towards a reſignation of their liberties. In a vote, which they called an offer of duty, after adopting the fabulous hiſtory of a hundred and eleven Scottiſh monarchs, they acknowledged, that all theſe princes, by the primary and fundamental law of the ſtate, had been veſted with a *ſolid* and *abſolute* authority. They declared their abhorrence of all principles and poſitions, derogatory to the king's ſacred, ſupreme, ſovereign, abſolute power, of which none, they ſaid, whether ſingle perſons or collective bodies, can participate, but in dependance on him and by commiſſion from him. They promiſed that the whole nation, between ſixteen and ſixty, ſhall be in readineſs for his majeſty's ſervice, where and as oft as it ſhall be his royal pleaſure to require them. And they annexed the whole

exciſe,

exciſe, both of inland and foreign commodities, for ever to the crown.

All the other acts of this aſſembly ſavoured of the ſame ſpirit. They declared it treaſon for any perſon to refuſe the teſt, if tendered by the council. To defend the obligation of the covenant, ſubjected a perſon to the ſame penalty. To be preſent at any conventicle, was made puniſhable with death and confiſcation of moveables. Even ſuch as refuſed to give teſtimony, either in caſes of treaſon or nonconformity, were declared equally puniſhable as if guilty of thoſe very crimes: An excellent prelude to all the rigours of an inquiſition. It muſt be confeſſed, that nothing could equal the abject ſervility of the Scottiſh nation during this period, but the arbitrary ſeverity of the adminiſtration.

It was in vain that Argyle ſummoned a people, ſo loſt to all ſenſe of liberty, ſo degraded by repeated indignities, to riſe in vindication of their violated laws and privileges. Even thoſe who declared for him, were, for the greater part, his own vaſſals; men who, if poſſible, were ſtill more ſunk in ſlavery than the reſt of the nation. He arrived, after a proſperous voyage, in Argyleſhire, attended by ſome fugitives from Holland; among the reſt, by ſir Patrick Hume, a man of mild diſpoſitions, who had been driven to this extremity by a continued train of oppreſſion. The privy-council was beforehand appriſed of Argyle's intentions. The whole militia of the kingdom, to the number of twenty-two thouſand men, were already in arms; and a third part of them, with the regular forces, were on their march to oppoſe him. All the conſiderable gentry of his clan were thrown into priſon. And two ſhips of war were on the coaſt to watch his motions. Under all theſe diſcouragements he yet made a ſhift, partly from terror, partly from affection, to collect and arm a body of about two thouſand five hundred men; but ſoon found himſelf ſurrounded on all ſides with inſuperable difficulties. His arms and ammunition were ſeized: His proviſions cut off: The marquis of Athole preſſed him on one ſide; lord Charles Murray on another; the duke of Gordon hung upon

his rear; the earl of Dumbarton met him in front. His followers daily fell off from him; but Argyle, reſolute to perſevere, broke at laſt with the ſhattered remains of his troops into the diſaffected part of the low countries, which he had endeavoured to allure to him by declarations for the covenant. No one ſhowed either courage or inclination to join him; and his ſmall and ſtill-decreaſing army, after wandering about for a little time, was at laſt defeated and diſſipated without an enemy. Argyle himſelf was ſeized and carried to Edinburgh; where, after enduring many indignities with a gallant ſpirit, he was publicly executed. He ſuffered on the former unjuſt ſentence which had been paſſed upon him. The reſt of his followers either eſcaped or were puniſhed by tranſportation: Rumbold and Ayloffe, two Engliſhmen, who had attended Argyle on this expedition, were executed.

The king was ſo elated with this continued tide of proſperity, that he began to undervalue even an Engliſh parliament, at all times formidable to his family; and from his ſpeech to that aſſembly, which he had aſſembled early in the winter *, he ſeems to have thought himſelf exempted from all rules of prudence, or neceſſity of diſſimulation. He plainly told the two houſes, that the militia, which had formerly been ſo much magnified, was now found by experience in the laſt rebellion, to be altogether uſeleſs; and he required a new ſupply, in order to maintain thoſe additional forces which he had levied. He alſo took notice, that he had employed a great many catholic officers, and that he had, in their favour, diſpenſed with the law, requiring the teſt to be taken by every one that poſſeſſed any public office. And to cut ſhort all oppoſition, he declared, that, having reaped the benefit of their ſervice during ſuch times of danger, he was determined, neither to expoſe them afterwards to diſgrace, nor himſelf, in caſe of another rebellion, to the want of their aſſiſtance.

Such violent averſion did this parliament bear to oppoſition; ſo great dread had been inſtilled of the conſe-

* 9th November.

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quences attending any breach with the king; that it is probable, had he used his dispensing power without declaring it, no inquiries would have been made, and time might have reconciled the nation to this dangerous exercise of prerogative. But to invade at once their constitution, to threaten their religion, to establish a standing army, and even to require them, by their concurrence, to contribute towards all these measures, exceeded the bounds of their patience; and they began, for the first time, to display some small remains of English spirit and generosity. When the king's speech was taken into consideration by the commons, many severe reflections were thrown out against the present measures; and the house was with seeming difficulty engaged to promise in a general vote, that they would grant some supply. But instead of finishing that business, which could alone render them acceptable to the king, they proceeded to examine the dispensing power; and they voted an address to the king against it. Before this address was presented, they resumed the consideration of the supply; and as one million two hundred thousand pounds were demanded by the court, and two hundred thousand proposed by the country party, a middle course was chosen, and seven hundred thousand, after some dispute, were at last voted. The address against the dispensing power was expressed in most respectful and submissive terms; yet was it very ill received by the king, and his answer contained a flat denial, uttered with great warmth and vehemence. The commons were so daunted with this reply, that they kept silence a long time; and when Coke, member for Derby, rose up and said, "I hope we are all Englishmen, and not to "be frightened with a few hard words;" so little spirit appeared in that assembly, often so refractory and mutinous, that they sent him to the Tower for bluntly expressing a free and generous sentiment. They adjourned, without fixing a day for the consideration of his majesty's answer; and on their next meeting, they submissively proceeded to the consideration of the supply, and even went so far as to establish funds for paying the

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ſum voted, in nine years and a half. The king, there, fore, had in effect, almoſt without conteſt or violence obtained a complete victory over the commons; and that aſſembly, inſtead of guarding their liberties, now expoſed to manifeſt peril, conferred an additional revenue on the crown; and by rendering the king in ſome degree independent, contributed to increaſe thoſe dangers with which they had ſo much reaſon to be alarmed.

The next oppoſition came from the houſe of peers, which has not commonly taken the lead on theſe occaſions; and even from the bench of biſhops, where the court uſually expects the greateſt complaiſance and ſubmiſſion. The upper houſe had been brought, in the firſt days of the ſeſſion, to give general thanks for the king's ſpeech; by which compliment they were underſtood, according to the practice of that time, to have acquieſced in every part of it: Yet, notwithſtanding that ſtep, Compton biſhop of London, in his own name and that of his brethren, moved that a day ſhould be appointed for taking the ſpeech into conſideration: He was ſeconded by Halifax, Nottingham, and Mordaunt. Jefferies, the chancellor, oppoſed the motion; and ſeemed inclined to uſe in that houſe the ſame arrogance to which on the bench he had ſo long been accuſtomed: But he was ſoon taught to know his place; and he proved, by his behaviour, that inſolence, when checked, naturally ſinks into meanneſs and cowardice. The biſhop of London's motion prevailed.

The king might reaſonably have preſumed, that, even if the peers ſhould ſo far reſume courage as to make an application againſt his diſpenſing power, the ſame ſteady anſwer which he had given to the commons would make them relapſe into the ſame timidity; and he might by that means have obtained a conſiderable ſupply, without making any conceſſions in return. But ſo imperious was his temper, ſo lofty the idea which he had entertained of his own authority, and ſo violent the ſchemes ſuggeſted by his own bigotry and that of his prieſts, that, without any delay, without waiting for any farther provocation, he immediately proceeded to a prorogation.

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He continued the parliament during a year and a half by four more prorogations; but having in vain tried, by ſeparate applications, to break the obſtinacy of the leading members, he at laſt diſſolved that aſſembly. And as it was plainly impoſſible for him to find among his proteſtant ſubjects a ſet of men more devoted to royal authority, it was univerſally concluded, that he intended thenceforth to govern entirely without parliaments.

Never king mounted the throne of England with greater advantages than James; nay, poſſeſſed greater facility, if that were any advantage, of rendering himſelf and his poſterity abſolute: But all theſe fortunate circumſtances tended only, by his own miſconduct, to bring more ſudden ruin upon him. The nation ſeemed diſpoſed of themſelves to reſign their liberties, had he not, at the ſame time, made an attempt upon their religion: And he might even have ſucceeded in ſurmounting at once their liberties and religion, had he conducted his ſchemes with common prudence and diſcretion. Openly to declare to the parliament, ſo early in his reign, his intention to diſpenſe with the teſts, ſtruck an univerſal alarm throughout the nation; infuſed terror into the church, which had hitherto been the chief ſupport of monarchy; and even diſguſted the army, by whoſe means alone he could now purpoſe to govern. The former horror againſt popery was revived by polemical books and ſermons; and in every diſpute the victory ſeemed to be gained by the proteſtant divines, who were heard with more favourable ears, and who managed the controverſy with more learning and eloquence. But another incident happened at this time, which tended mightily to excite the animoſity of the nation againſt the catholic communion.

Lewis XIV. having long haraſſed and moleſted the proteſtants, at laſt revoked entirely the edict of Nantz; which had been enacted by Harry IV. for ſecuring them the free exercise of their religion; which had been declared irrevocable; and which, during the experience of near a century, had been attended with no ſenſible inconve-

convenience. All the iniquities inſeparable from perſecution were exerciſed againſt thoſe unhappy religioniſts; who became obſtinate in proportion to the oppreſſions which they ſuffered, and either covered under a feigned converſion a more violent abhorrence of the catholic communion, or ſought among foreign nations for that liberty of which they were bereaved in their native country. Above half a million of the moſt uſeful and induſtrious ſubjects deſerted France; and exported, together with immenſe ſums of money, thoſe arts and manufactures which had chiefly tended to enrich that kingdom. They propagated every-where the moſt tragical accounts of the tyranny exerciſed againſt them, and revived among the proteſtants all that reſentment againſt the bloody and perſecuting ſpirit of popery, to which ſo many incidents in all ages had given too much foundation. Near fifty thouſand refugees paſſed over into England; and all men were diſpoſed, from their repreſentations, to entertain the utmoſt horror againſt the projects which they apprehended to be formed by the king for the abolition of the proteſtant religion. When a prince of ſo much humanity and of ſuch ſignal prudence as Lewis could be engaged, by the bigotry of his religion alone, without any provocation, to embrace ſuch ſanguinary and impolitic meaſures, what might not be dreaded, they aſked, from James, who was ſo much inferior in theſe virtues, and who had already been irritated by ſuch obſtinate and violent oppoſition? In vain did the king affect to throw the higheſt blame on the perſecutions in France: In vain did he afford the moſt real protection and aſſiſtance to the diſtreſſed Hugonots. All theſe ſymptoms of toleration were regarded as inſidious; oppoſite to the avowed principles of his ſect, and belied by the ſevere adminiſtration which he himſelf had exerciſed againſt the nonconformiſts in Scotland.

(1686.) The ſmalleſt approach towards the introduction of popery, muſt, in the preſent diſpoſition of the people, have afforded reaſon of jealouſy; much more ſo wide a ſtep as that of diſpenſing with the teſts, the

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ſole ſecurity which the nation, being diſappointed of the excluſion-bill, found provided againſt thoſe dreaded innovations. Yet was the king reſolute to perſevere in his purpoſe; and having failed in bringing over the parliament, he made an attempt, with more ſucceſs, for eſtabliſhing his diſpenſing power, by a verdict of the judges. Sir Edward Hales, a new proſelyte, had accepted a commiſſion of colonel; and directions were given to his coachman to proſecute him for the penalty of five hundred pounds, which the law, eſtabliſhing the teſts, had granted to informers. By this feigned action, the king hoped, both from the authority of the deciſion, and the reaſon of the thing, to put an end to all queſtions with regard to his diſpenſing power.

It could not be expected that the lawyers appointed to plead againſt Hales would exert great force on that occaſion: But the cauſe was regarded with ſuch anxiety by the public, that it has been thoroughly canvaſſed in ſeveral elaborate diſcourſes *; and could men diveſt themſelves of prejudice, there want not ſufficient materials on which to form a true judgment. The claim and exerciſe of the diſpenſing power is allowed to be very ancient in England; and though it ſeems at firſt to have been copied from papal uſurpations, it may plainly be traced up as high as the reign of Henry III. In the feudal governments, men were more anxious to ſecure their private property than to ſhare in the public adminiſtration; and provided no innovations were attempted on their rights and poſſeſſions, the care of executing the laws, and enſuring general ſafety, was without jealouſy entruſted to the ſovereign. Penal ſtatutes were commonly intended to arm the prince with more authority for that purpoſe; and being in the main calculated for promoting his influence as firſt magiſtrate, there ſeemed no danger in allowing him to diſpenſe with their execution, in ſuch particular caſes as might require an ex-

* Particularly ſir Edward Herbert's Defence in the State Trials, and ſir Robert Atkin's Enquiry concerning the Diſpenſing Power.

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ception or indulgence. That practice had ſo much prevailed, that the parliament itſelf had more than once acknowledged this prerogative of the crown; particularly during the reign of Henry V. when they enacted the law againſt aliens, and alſo when they paſſed the ſtatute of proviſors *. But though the general tenour of the penal ſtatutes was ſuch as gave the king a ſuperior intereſt in their execution beyond any of his ſubjects, it could not but ſometimes happen in a mixed government, that the parliament would deſire to enact laws, by which the regal power, in ſome particulars, even where private property was not immediately concerned, might be regulated and reſtrained. In the twenty-third of Henry VI. a law of this kind was enacted, prohibiting any man from ſerving in a county as ſheriff above a year; and a clauſe was inſerted by which the king was diſabled from granting a diſpenſation. Plain reaſon might have taught, that this law, at leaſt, ſhould be exempted from the king's prerogative: But as the diſpenſing power ſtill prevailed in other caſes, it was ſoon able, aided by the ſervility of the courts of judicature, even to overpower this ſtatute, which the legiſlature had evidently intended to ſecure againſt violation. In the reign of Henry VII. the caſe was brought to a trial before all the judges in the exchequer-chamber; and it was decreed, that, notwithſtanding the ſtrict clauſe above mentioned, the king might diſpenſe with the ſtatute: He could firſt, it was alleged, diſpenſe with the prohibitory clauſe, and then with the ſtatute itſelf. This opinion of the judges, though ſeemingly abſurd, had ever ſince paſſed for undoubted law: The practice of continuing the ſheriffs had prevailed: And moſt of the property in England had been fixed by deciſions, which juries, returned by ſuch ſheriffs, had given in

* It is remarkable, however, that in the reign of Richard the Second, the parliament granted the king only a temporary power of diſpenſing with the ſtatute of proviſors. A plain implication that he had not, of himſelf, ſuch a prerogative. So uncertain were many of theſe points at that time.

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the courts of judicature. Many other diſpenſations of a like nature may be produced; not only ſuch as took place by intervals, but ſuch as were uniformly continued. Thus the law was diſpenſed with, which prohibited any man from going a judge of aſſize into his own county; that which rendered all Welſhmen incapable of bearing offices in Wales; and that which required every one, who received a pardon for felony, to find ſureties for his good behaviour. In the ſecond of James I. a new conſultation of all the judges had been held upon a like queſtion: This prerogative of the crown was again unanimouſly affirmed: And it became an eſtabliſhed principle in Engliſh juriſprudence, that though the king could not allow of what was morally unlawful, he could permit what was only prohibited by poſitive ſtatute. Even the jealous houſe of commons, who extorted the petition of right from Charles I. made no ſcruple, by the mouth of Glanville, their manager, to allow of the diſpenſing power in its full extent; and in the famous trial of ſhip-money, Holborne, the popular lawyer, had freely, and in the moſt explicit terms, made the ſame conceſſion. Sir Edward Coke, the great oracle of Engliſh law, had not only concurred with all other lawyers in favour of this prerogative, but ſeems even to believe it ſo inherent in the crown, that an act of parliament itſelf could not aboliſh it. And he particularly obſerves, that no law can impoſe ſuch a diſability of enjoying offices as the king may not diſpenſe with; becauſe the king, from the law of nature, has a right to the ſervice of all his ſubjects. This particular reaſon, as well as all the general principles, is applicable to the queſtion of the teſts; nor can the dangerous conſequence of granting diſpenſations in that caſe be ever allowed to be pleaded before a court of judicature. Every prerogative of the crown, it may be ſaid, admits of abuſe: Should the king pardon all criminals, law muſt be totally diſſolved: Should he declare and continue perpetual war againſt all nations, inevitable ruin muſt enſue: Yet theſe powers are entruſted to the ſovereign; and we muſt be content, as our anceſtors were, to de-

pend upon his prudence and diſcretion in the exerciſe of them.

Though this reaſoning ſeems founded on ſuch principles as are uſually admitted by lawyers, the people had entertained ſuch violent prepoſſeſſions againſt the uſe which James here made of his prerogative, that he was obliged, before he brought on Hales's cauſe, to diſplace four of the judges, Jones, Montague, Charleton, and Nevil; and even Sir Edward Herbert, the chief-juſtice, though a man of acknowledged virtue, yet, becauſe he here ſupported the pretenſions of the crown, was expoſed to great and general reproach. Men deemed a diſpenſing to be in effect the ſame with a repealing power; and they could not conceive that leſs authority was neceſſary to repeal than to enact any ſtatute. If one penal law was diſpenſed with, any other might undergo the ſame fate: And by what principle could even the laws which define property be afterwards ſecured from violation? The teſt act had ever been conceived the great barrier of the eſtabliſhed religion under a popiſh ſucceſſor: As ſuch, it had been inſiſted on by the parliament; as ſuch, granted by the king; as ſuch, during the debates with regard to the excluſion, recommended by the chancellor. By what magic, what chicane of law, is it now annihilated, and rendered of no validity? Theſe queſtions were every-where aſked; and men, ſtraitened by precedents and deciſions of great authority, were reduced either to queſtion the antiquity of this prerogative itſelf, or to aſſert, that even the practice of near five centuries could not beſtow on it ſufficient authority. It was not conſidered, that the preſent difficulty or ſeeming abſurdity had proceeded from late innovations introduced into the government. Ever ſince the beginning of this century, the parliament had, with a laudable zeal, been acquiring powers and eſtabliſhing principles favourable to law and liberty: The authority of the crown had been limited in many important particulars: And penal ſtatutes were often calculated to ſecure the conſtitution againſt the attempts of miniſters, as well as to preſerve a general peace, and repreſs crimes and immoralities. A prerogative,

tive, however, derived from very ancient, and almoſt uniform practice, the diſpenſing power, ſtill remained, or was ſuppoſed to remain, with the crown; ſufficient in an inſtant to overturn this whole fabric, and to throw down all fences of the conſtitution. If this prerogative, which carries on the face of it ſuch ſtrong ſymptoms of an abſolute authority in the prince, had yet, in ancient times, ſubſiſted with ſome degree of liberty in the ſubject; this fact only proves, that ſcarcely any human government, much leſs one erected in rude and barbarous times, is entirely conſiſtent and uniform in all its parts. But to expect that the diſpenſing power could, in any degree, be rendered compatible with thoſe accurate and regular limitations, which had of late been eſtabliſhed, and which the people were determined to maintain, was a vain hope; and though men knew not upon what principles they could deny that prerogative, they ſaw that, if they would preſerve their laws and conſtitution, there was an abſolute neceſſity for denying, at leaſt for aboliſhing it. The revolution alone, which ſoon ſucceeded, happily put an end to all theſe diſputes: By means of it, a more uniform edifice was at laſt erected: The monſtrous inconſiſtence, ſo viſible between the ancient Gothic parts of the fabric and the recent plans of liberty, was fully corrected: And to their mutual felicity, king and people were finally taught to know their proper boundaries *.

Whatever topics lawyers might find to defend James's diſpenſing power, the nation thought it dangerous, if not fatal, to liberty, and his reſolution of exerciſing it may on that account be eſteemed no leſs alarming, than if the power had been founded on the moſt recent and moſt flagrant uſurpation. It was not likely, that an authority, which had been aſſumed, through ſo many obſtacles, would in his hands lie long idle and unemployed. Four catholic lords were brought into the privy-council, Powis, Arundel, Bellaſis, and Dover. Halifax, finding that, notwithſtanding his paſt merits, he poſſeſſed

* See note [B] at the end of the volume.

no real credit or authority, became refractory in his oppoſition; and his office of privy-ſeal was given to Arundel. The king was open, as well as zealous, in the deſire of making converts; and men plainly ſaw, that the only way to acquire his affection and confidence was by a ſacrifice of their religion. Sunderland, ſome time after, ſcrupled not to gain favour at this price. Rocheſter, the treaſurer, though the king's brother-in-law, yet, becauſe he refuſed to give this inſtance of complaiſance, was turned out of his office: The treaſury was put in commiſſion, and Bellaſis was placed at the head of it. All the courtiers were diſguſted, even ſuch as had little regard to religion. The diſhonour, as well as diſtruſt, attending renegades, made moſt men reſolve, at all hazards, to adhere to their ancient faith.

In Scotland, James's zeal for proſelytiſm was more ſucceſsful. The earls of Murray, Perth, and Melfort, were brought over to the court religion; and the two latter noblemen made uſe of a very courtly reaſon for their converſion: They pretended, that the papers found in the late king's cabinet, had opened their eyes, and had convinced them of the preference due to the catholic religion. Queenſberry, who ſhowed not the ſame complaiſance, fell into total diſgrace, notwithſtanding his former ſervices, and the important ſacrifices which he had made to the meaſures of the court. Theſe merits could not even enſure him of ſafety againſt the vengeance to which he ſtood expoſed. His rival, Perth, who had been ready to ſink under his ſuperior intereſt, now acquired the aſcendant; and all the complaints exhibited againſt him, were totally obliterated. His faith, according to a ſaying of Halifax, had made him whole.

But it was in Ireland chiefly, that the maſk was wholly taken off, and that the king thought himſelf at liberty to proceed to the full extent of his zeal and his violence. The duke of Ormond was recalled; and though the primate and lord Granard, two proteſtants, ſtill poſſeſſed the authority of juſtices, the whole power was lodged in the hands of Talbot, the general, ſoon after created earl of Tyrconnel; a man who, from the blind-

blindneſs of his prejudices and fury of his temper, was tranſported with the moſt immeaſurable ardour for the catholic cauſe. After the ſuppreſſion of Monmouth's rebellion, orders were given by Tyrconnel to diſarm all the proteſtants, on pretence of ſecuring the public peace, and keeping their arms in a few magazines for the uſe of the militia. Next, the army was new-modelled; and a great number of officers were diſmiſſed, becauſe it was pretended that they or their fathers had ſerved under Cromwel and the republic. The injuſtice was not confined to them. Near three hundred officers more were afterwards broken, though many of them had purchaſed their commiſſions: About four or five thouſand private ſoldiers, becauſe they were proteſtants, were diſmiſſed; and being ſtripped even of their regimentals, were turned out to ſtarve in the ſtreets. While theſe violences were carrying on, Clarendon, who had been named lord lieutenant, came over; but he ſoon found, that, as he had refuſed to give the king the deſired pledge of fidelity, by changing his religion, he poſſeſſed no credit or authority. He was even a kind of priſoner in the hands of Tyrconnel; and as he gave all oppoſition in his power to the precipitate meaſures of the catholics, he was ſoon after recalled, and Tyrconnel ſubſtituted in his place. The unhappy proteſtants now ſaw all the civil authority, as well as the military force, transferred into the hands of their inveterate enemies; inflamed with hereditary hatred, and ſtimulated by every motive, which the paſſion either for power, property, or religion, could inſpire. Even the barbarous banditti were let looſe to prey on them in their preſent defenceleſs condition. A renewal of the ancient maſſacres was apprehended; and great multitudes, ſtruck with the beſt-grounded terror, deſerted the kingdom, and infuſed into the Engliſh nation a dread of thoſe violences, to which, after ſome time, they might juſtly, from the prevalence of the catholics, think themſelves expoſed.

All judicious perſons of the catholic communion were diſguſted with theſe violent meaſures, and could eaſily foreſee the conſequences. But James was entirely go-

verned by the raſh counſels of the queen and of his confeſſor, father Peters, a Jeſuit, whom he ſoon after created a privy-counſellor. He thought too, that, as he was now in the decline of life, it was neceſſary for him, by haſty ſteps, to carry his deſigns into execution; leſt the ſucceſſion of the princeſs of Orange ſhould overturn all his projects. In vain did Arundel, Powis, and Bellaſis, remonſtrate, and ſuggeſt more moderate and cautious meaſures. Theſe men had ſeen and felt, during the proſecution of the popiſh plot, the extreme antipathy which the nation bore to their religion; and though ſome ſubſequent incidents had ſeemingly allayed that ſpirit, they knew that the ſettled habits of the people were ſtill the ſame, and that the ſmalleſt incident was ſufficient to renew the former animoſity. A very moderate indulgence, therefore, to the catholic religion would have ſatisfied them; and all attempts to acquire power, much more to produce a change of the national faith, they deemed dangerous and deſtructive.

On the firſt broaching of the popiſh plot, the clergy of the church of England had concurred in the proſecution of it, with the ſame violence and credulity as the reſt of the nation: But dreading afterwards the prevalence of republican and preſbyterian principles, they had been engaged to ſupport the meaſures of the court; and to their aſſiſtance chiefly, James had owed his ſucceſſion to the crown. Finding that all theſe ſervices were forgotten, and that the catholic religion was the king's ſole favourite, the church had commenced an oppoſition to court meaſures; and popery was now acknowledged the more immediate danger. In order to prevent inflammatory ſermons on this popular ſubject, James revived ſome directions to preachers, which had been promulgated by the late king, in the beginning of his reign, when no deſign againſt the national religion was yet formed, or at leaſt apprehended. But in the preſent delicate and intereſting ſituation of the church, there was little reaſon to expect that orders founded on no legal authority, would be rigidly obeyed by preachers, who ſaw no ſecurity to themſelves but in preſerving the confidence and regard of

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the people. Inſtead of avoiding controverſy, according to the king's injunctions, the preachers every-where declaimed againſt popery; and, among the reſt, Dr. Sharpe, a clergyman of London, particularly diſtinguiſhed himſelf, and affected to throw great contempt on thoſe who had been induced to change their religion by ſuch pitiful arguments as the Romiſh miſſionaries could ſuggeſt. This topic, being ſuppoſed to reflect on the king, gave great offence at court; and poſitive orders were iſſued to the biſhop of London, his dioceſan, immediately to ſuſpend Sharpe, till his majeſty's pleaſure ſhould be farther known. The prelate replied, that he could not poſſibly obey theſe commands, and that he was not empowered, in ſuch a ſummary manner, to inflict any puniſhment even upon the greateſt delinquent. But neither this obvious reaſon, nor the moſt dutiful ſubmiſſions, both of the prelate and of Sharpe himſelf, could appeaſe the court. The king was determined to proceed with violence in the proſecution of this affair. The biſhop himſelf he reſolved to puniſh for diſobedience to his commands; and the expedient, which he employed for that purpoſe, was of a nature at once the moſt illegal and moſt alarming.

Among all the engines of authority formerly employed by the crown, none had been more dangerous, or even deſtructive, to liberty, than the court of high commiſſion, which, together with the ſtar-chamber, had been aboliſhed in the reign of Charles I. by act of parliament; in which a clauſe was alſo inſerted, prohibiting the erection, in all future times, of that court, or any of a like nature. But this law was deemed by James no obſtacle; and an eccleſiaſtical commiſſion was anew iſſued, by which ſeven * commiſſioners were veſted with full and

* The perſons named were the archbiſhop of Canterbury, Sancroft; the biſhop of Durham, Crew; of Rocheſter, Sprat; the earl of Rocheſter, Sunderland, chancellor Jefferies, and lord chief juſtice Herbert. The archbiſhop refuſed to act, and the biſhop of Cheſter was ſubſtituted in his place.

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unlimited authority over the church of England. On them were beſtowed the ſame inquiſitorial powers, poſſeſſed by the former court of high commiſſion: They might proceed upon bare ſuſpicion; and the better to ſet the law at defiance, it was expreſly inſerted in their patent itſelf, that they were to exerciſe their juriſdiction, notwithſtanding any law or ſtatute to the contrary. The king's deſign to ſubdue the church was now ſufficiently known; and had he been able to eſtabliſh the authority of this new-erected court, his ſucceſs was infallible. A more ſenſible blow could not be given, both to national liberty and religion; and happily the conteſt could not be tried in a cauſe more iniquitous and unpopular than that againſt Sharpe and the biſhop of London.

The prelate was cited before the commiſſioners. After denying the legality of the court, and claiming the privilege of all Chriſtian biſhops to be tried by the metropolitan and his ſuffragans; he pleaded in his own defence, that, as he was obliged, if he had ſuſpended Sharpe, to act in the capacity of a judge, he could not, conſiſtent either with law or equity, pronounce ſentence without a previous citation and trial: That he had by petition repreſented this difficulty to his majeſty; and not receiving any anſwer, he had reaſon to think that his petition had given entire ſatisfaction: That in order to ſhow farther his deference, he had adviſed Sharpe to abſtain from preaching, till he had juſtified his conduct to the king; an advice which, coming from his ſuperior, was equivalent to a command, and had accordingly met with the proper obedience: That he had thus, in his apprehenſion, conformed himſelf to his majeſty's pleaſure; but if he ſhould ſtill be found wanting to his duty in any particular, he was now willing to crave pardon, and to make reparation. All this ſubmiſſion, both in Sharpe and the prelate, had no effect: It was determined to have an example: Orders were accordingly ſent to the commiſſioners to proceed: And by a majority of votes the biſhop, as well as the doctor, was ſuſpended.

Almoſt the whole of this ſhort reign conſiſts of attempts always imprudent, often illegal, ſometimes both, againſt

againſt whatever was moſt loved and revered by the nation: Even ſuch ſchemes of the king's as might be laudable in themſelves, were ſo diſgraced by his intentions, that they ſerve only to aggravate the charge againſt him. James was become a great patron of toleration, and an enemy to all thoſe perſecuting laws which, from the influence of the church, had been enacted both againſt the diſſenters and catholics. Not content with granting diſpenſations to particular perſons, he aſſumed a power of iſſuing a declaration of general indulgence, and of ſuſpending at once all the penal ſtatutes, by which a conformity was required to the eſtabliſhed religion. This was a ſtrain of authority, it muſt be confeſſed, quite inconſiſtent with law and a limited conſtitution; yet was it ſupported by many ſtrong precedents in the hiſtory of England. Even after the principles of liberty were become more prevalent, and began to be well underſtood, the late king had, oftener than once, and without giving much umbrage, exerted this dangerous power: He had, in 1662, ſuſpended the execution of a law which regulated carriages: During the two Dutch wars, he had twice ſuſpended the act of navigation: And the commons, in 1666, being reſolved, contrary to the king's judgment, to enact that iniquitous law againſt the importation of Iriſh cattle, found it neceſſary, in order to obviate the exerciſe of this prerogative, which they deſired not at that time entirely to deny or abrogate, to call that importation a nuiſance.

Though the former authority of the ſovereign was great in civil affairs, it was ſtill greater in eccleſiaſtical; and the whole deſpotic power of the popes was often believed, in virtue of the ſupremacy, to have devolved to the crown. The laſt parliament of Charles I. by aboliſhing the power of the king and convocation to frame canons without conſent of parliament, had ſomewhat diminiſhed the ſuppoſed extent of the ſupremacy; but ſtill very conſiderable remains of it, at leaſt very important claims, were preſerved, and were occaſionally made uſe of by the ſovereign. In 1662, Charles, pleading both the rights of his ſupremacy and his ſuſpending power, had

had granted a general indulgence or toleration; and in 1672 he renewed the ſame edict: Though the remonſtrances of his parliament obliged him, on both occaſions, to retract; and in the laſt inſtance, the triumph of law over prerogative was deemed very great and memorable. In general, we may remark, that where the exerciſe of the ſuſpending power was agreeable and uſeful, the power itſelf was little queſtioned: Where the exerciſe was thought liable to exceptions, men not only oppoſed it, but proceeded to deny altogether the legality of the prerogative, on which it was founded.

James, more imprudent and arbitrary than his predeceſſor, iſſued his proclamation, ſuſpending all the penal laws in eccleſiaſtical affairs; and granting a general liberty of conſcience to all his ſubjects. He was not deterred by the reflection, both that this ſcheme of indulgence was already blaſted by two fruitleſs attempts; and that in ſuch a government as that of England, it was not ſufficient that a prerogative be approved of by ſome lawyers and antiquaries: If it was condemned by the general voice of the nation, and yet was ſtill exerted, the victory over national liberty was no leſs ſignal than if obtained by the moſt flagrant injuſtice and uſurpation. Theſe two conſiderations indeed would rather ſerve to recommend this project to James; who deemed himſelf ſuperior in vigour and activity to his brother, and who probably thought that his people enjoyed no liberties, but by his royal conceſſion and indulgence.

In order to procure a better reception for his edict of toleration, the king, finding himſelf oppoſed by the church, began to pay court to the diſſenters; and he imagined that, by playing one party againſt another, he ſhould eaſily obtain the victory over both; a refined policy which it much exceeded his capacity to conduct. His intentions were ſo obvious, that it was impoſſible for him ever to gain the ſincere confidence and regard of the nonconformiſts. They knew that the genius of their religion was diametrically oppoſite to that of the catholics, the ſole object of the king's affections. They were ſenſible, that both the violence of his temper, and

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the maxims of his religion, were repugnant to the principles of toleration. They had ſeen that, on his acceſſion, as well as during his brother's reign, he had courted the church at their expenſe; and it was not till his dangerous ſchemes were rejected by the prelates, that he had recourſe to the nonconformiſts. All his favours, therefore, muſt, to every man of judgment among the ſectaries, have appeared inſidious: Yet ſuch was the pleaſure reaped from preſent eaſe, ſuch the animoſity of the diſſenters againſt the church, who had ſo long ſubjected them to the rigours of perſecution, that they everywhere expreſſed the moſt entire duty to the king, and compliance with his meaſures; and could not forbear rejoicing extremely in the preſent depreſſion of their adverſaries.

But had the diſſenters been ever ſo much inclined to ſhut their eyes with regard to the king's intentions, the manner of conducting his ſcheme in Scotland was ſufficient to diſcover the ſecret. The king firſt applied to the Scottiſh parliament, and deſired an indulgence for the catholics alone, without comprehending the preſbyterians: But that aſſembly, though more diſpoſed than even the parliament of England, to ſacrifice their civil liberties, reſolved likewiſe to adhere pertinaciouſly to their religion; and they rejected for the firſt time the king's application. James therefore found himſelf obliged to exert his prerogative; and he now thought it prudent to intereſt a party among his ſubjects, beſides the catholics, in ſupporting this act of authority. To the ſurpriſe of the haraſſed and perſecuted preſbyterians, they heard the principles of toleration every-where extolled, and found that full permiſſion was granted to attend conventicles; an offence, which, even during this reign, had been declared no leſs than a capital enormity. The king's declaration, however, of indulgence, contained clauſes ſufficient to depreſs their joy. As if popery were already predominant, he declared, "that he never would uſe "force or *invincible neceſſity* againſt any man on account "of his perſuaſion or the proteſtant religion:" A promiſe ſurely of toleration given to the proteſtants with great

great precaution, and admitting a considerable latitude for persecution and violence. It is likewise remarkable, that the king declared in express terms, "that he had "thought fit, by his sovereign authority, prerogative "royal, and *absolute* power, which all his subjects were "to obey *without reserve*, to grant this royal tolera-"tion." The dangerous designs of other princes are to be collected by a comparison of their several actions, or by a discovery of their more secret counsels: But so blinded was James with zeal, so transported by his imperious temper, that even his proclamations and public edicts contain expressions which, without farther inquiry, may suffice to his condemnation.

The English well knew, that the king, by the constitution of their government, thought himself entitled, as indeed he was, to as ample authority in his southern, as in his northern kingdom; and therefore, though the declaration of indulgence published for England was more cautiously expressed, they could not but be alarmed by the arbitrary treatment to which their neighbours were exposed. It is even remarkable, that the English declaration contained clauses of a strange import. The king there promised, that he would maintain his loving subjects in all their properties and possessions, as well of church and abbey lands as of any other. Men thought, that if the full establishment of popery were not at hand, this promise was quite superfluous; and they concluded, that the king was so replete with joy on the prospect of that glorious event, that he could not, even for a moment, refrain from expressing it.

But what afforded the most alarming prospect, was the continuance and even increase of the violent and precipitate conduct of affairs in Ireland. Tyrconnel was now vested with full authority; and carried over with him as chancellor one Fitton, a man who was taken from a jail, and who had been convicted of forgery and other crimes, but who compensated for all his enormities by a headlong zeal for the catholic religion. He was even heard to say from the bench, that the protestants were all rogues, and that there was not one among forty

thouſand that was not a traitor, a rebel, and a villain. The whole ſtrain of the adminiſtration was ſuitable ot ſuch ſentiments. The catholics were put in poſſeſſion of the council-table, of the courts of judicature, and of the bench of juſtices. In order to make them maſters of the parliament, the ſame violence was exerciſed that had been practiſed in England. The charters of Dublin and of all the corporations were annulled; and new charters were granted, ſubjecting the corporations to the will of the ſovereign. The proteſtant freemen were expelled, catholics introduced; and the latter ſect, as they always were the majority in number, were now inveſted with the whole power of the kingdom. The act of ſettlement was the only obſtacle to their enjoying the whole property; and Tyrconnel had formed a ſcheme for calling a parliament, in order to reverſe that act, and empower the king to beſtow all the lands of Ireland on his catholic ſubjects. But in this ſcheme he met with oppoſition from the moderate catholics in the king's council. Lord Bellaſis went even ſo far as to affirm with an oath, "that that fellow in Ireland was fool and madman "enough to ruin ten kingdoms." The decay of trade, from the deſertion of the proteſtants, was repreſented; the ſinking of the revenue; the alarm communicated to England: And by theſe conſiderations the king's reſolutions were for ſome time ſuſpended; though it was eaſy to foreſee, from the uſual tenour of his conduct, which ſide would at laſt proponderate.

But the king was not content with diſcovering in his own kingdoms the imprudence of his conduct: He was reſolved, that all Europe ſhould be witneſs of it. He publicly ſent the earl of Caſtlemaine ambaſſador extraordinary to Rome, in order to expreſs his obeiſance to the pope, and to make advances for reconciling his kingdoms, in form, to the catholic communion. Never man, who came on ſo important an errand, met with ſo many neglects, and even affronts, as Caſtlemaine. The pontiff, inſtead of being pleaſed with this forward ſtep, concluded that a ſcheme, conducted with ſo much indiſcretion, could never poſſibly be ſucceſsful. And as he

was engaged in a violent quarrel with the French monarch, a quarrel which intereſted him more nearly than the converſion of England, he bore little regard to James, whom he believed too cloſely connected with his capital enemy.

The only proof of complaiſance which James received from the pontiff was his ſending a nuncio to England, in return for the embaſſy. By act of parliament any communication with the pope was made treaſon: Yet ſo little regard did the king pay to the laws, that he gave the nuncio a public and ſolemn reception at Windſor. The duke of Somerſet, one of the bed-chamber, becauſe he refuſed to aſſiſt at this ceremony, was diſmiſſed from his employment. The nuncio reſided openly in London during the reſt of this reign. Four catholic biſhops were publicly conſecrated in the king's chapel, and ſent out, under the title of vicars apoſtolical, to exerciſe the epiſcopal function in their reſpective dioceſes. Their paſtoral letters, directed to the lay catholics of England, were printed and diſperſed by the expreſs allowance and permiſſion of the king. The regular clergy of that communion appeared at court in the habits of their order; and ſome of them were ſo indiſcreet as to boaſt, that, in a little time, they hoped to walk in proceſſion through the capital.

While the king ſhocked in the moſt open manner all the principles and prejudices of his proteſtant ſubjects, he could not ſometimes but be ſenſible, that he ſtood in need of their aſſiſtance for the execution of his deſigns. He had himſelf, by virtue of his prerogative, ſuſpended the penal laws, and diſpenſed with the teſt; but he would gladly have obtained the ſanction of parliament to theſe acts of power; and he knew that, without this authority, his edicts alone would never afford a durable ſecurity to the catholics. He had employed, therefore, with the members of parliament many private conferences, which were then called *cloſetings*; and he uſed every expedient of reaſons, menaces, and promiſes, to break their obſtinacy in this particular. Finding all his efforts fruitleſs, he had diſſolved the parliament, and was determined

termined to call a new one, from which he expected more complaiſance and ſubmiſſion. By the practice of annulling the charters, the king was become maſter of all the corporations, and could at pleaſure change everywhere the whole magiſtracy. The church party, therefore, by whom the crown had been hitherto ſo remarkably ſupported, and to whom the king viſibly owed his ſafety from all the efforts of his enemies, was deprived of authority; and the diſſenters, thoſe very enemies, were, firſt in London, and afterwards in every other corporation, ſubſtituted in their place. Not content with this violent and dangerous innovation, the king appointed certain regulators to examine the qualifications of electors; and directions were given them to exclude all ſuch as adhered to the teſt and penal ſtatutes *. Queries to this purpoſe were openly propoſed in all places, in order to try the ſentiments of men, and enable the king to judge of the proceedings of the future parliament. The power of the crown was at this time ſo great; and the revenue, managed by James's frugality, ſo conſiderable and independent; that, if he had embraced any national party, he had been enſured of ſucceſs; and might have carried his authority to what length he pleaſed. But the catholics, to whom he had entirely devoted himſelf, were ſcarcely the hundredth part of the people. Even the proteſtant nonconformiſts, whom he ſo much courted, were little more than the twentieth; and what was worſe, repoſed no confidence in the unnatural alliance contracted with the catholics, and in the principles of toleration, which, contrary to their uſual practice in all ages, ſeemed at preſent to be adopted by that ſect. The king, therefore, finding little hopes of ſucceſs, delayed the ſummon-

* The elections in ſome places, particularly in York, were transferred from the people to the magiſtrates, who, by the new charter, were all named by the crown. This was in reality nothing different from the king's naming the members. The ſame act of authority had been employed in all the boroughs of Scotland.

ing of a parliament, and proceeded ſtill in the exerciſe of his illegal and arbitrary authority.

The whole power in Ireland had been committed to catholics. In Scotland, all the miniſters, whom the king chiefly truſted, were converts to that religion. Every great office in England, civil and military, was gradually transferred from the proteſtants. Rocheſter and Clarendon, the king's brothers-in-law, though they had ever been faithful to his intereſts, could not, by all their ſervices, atone for their adherence to the national religion; and had been diſmiſſed from their employments. The violent Jefferies himſelf, though he had ſacrificed juſtice and humanity to the court; yet, becauſe he refuſed alſo to give up his religion, was declining in favour and intereſt. Nothing now remained but to open the door in the church and univerſities to the intruſion of the catholics. It was not long before the king made this raſh effort; and by conſtraining the prelacy and eſtabliſhed church to ſeek protection in the principles of liberty, he at laſt left himſelf entirely without friends and adherents.

Father Francis, a Benedictine, was recommended by the king's mandate to the univerſity of Cambridge for the degree of maſter of arts; and as it was uſual for the univerſity to confer that degree on perſons eminent for learning, without regard to their religion; and as they had even admitted lately the ſecretary to the ambaſſador of Morocco; the king on that account thought himſelf the better entitled to compliance. But the univerſity conſidered, that there was a great difference between a compliment beſtowed on foreigners, and degrees which gave a title to vote in all the elections and ſtatutes of the univerſity, and which, if conferred on the catholics, would infallibly in time render that ſect entirely ſuperior. They therefore refuſed to obey the king's mandate, and were cited to appear before the court of eccleſiaſtical commiſſion. The vice-chancellor was ſuſpended by that court; but as the univerſity choſe a man of ſpirit to ſucceed him, the king thought proper for the preſent to drop his pretenſions.

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The attempt upon the univerſity of Oxford was proſecuted with more inflexible obſtinacy, and was attended with more important conſequences. This univerſity had lately, in their famous decree, made a ſolemn profeſſion of paſſive obedience; and the court probably expected, that they would ſhow their ſincerity, when their turn came to practiſe that doctrine; which, though, if carried to the utmoſt extent, it be contrary both to reaſon and to nature, is apt to meet with the more effectual oppoſition from the latter principle. The preſident of Magdalen college, one of the richeſt foundations in Europe, dying about this time, a mandate was ſent in favour of Farmer, a new convert, but one who, beſides his being a catholic, had not, in other reſpects, the qualifications required by the ſtatutes for enjoying that office. The fellows of the college made ſubmiſſive applications to the king for recalling his mandate; but before they received an anſwer, the day came, on which, by their ſtatutes, they were obliged to proceed to an election. They choſe Dr. Hough, a man of virtue, as well as of the firmneſs and vigour requiſite for maintaining his own rights and thoſe of the univerſity. In order to puniſh the college for this contumacy, as it was called, an inferior eccleſiaſtical commiſſion was ſent down, and the new preſident and the fellows were cited before it. So little regard had been paid to any conſideration beſides religion, that Farmer, on inquiry, was found guilty of the loweſt and moſt ſcandalous vices; inſomuch that even the eccleſiaſtical commiſſioners were aſhamed to inſiſt on his election. A new mandate, therefore, was iſſued, in favour of Parker, lately created biſhop of Oxford, a man of a proſtitute character, but who, like Farmer, atoned for all his vices by his avowed willingneſs to embrace the catholic religion. The college repreſented, that all preſidents had ever been appointed by election, and there were few inſtances of the king's interpoſing by his recommendation in favour of any candidate; that having already made a regular election of a preſident, they could not deprive him of his office, and, during his lifetime, ſubſtitute any other in his place;

that, even if there were a vacancy, Parker, by the ſtatutes of their founder, could not be choſen; that they had all of them bound themſelves by oath to obſerve theſe ſtatutes, and never on any account to accept of a diſpenſation; and that the college had at all times ſo much diſtinguiſhed itſelf by its loyalty, that nothing but the moſt invincible neceſſity could now oblige them to oppoſe his majeſty's inclinations. All theſe reaſons availed them nothing. The preſident and all the fellows, except two who complied, were expelled the college; and Parker was put in poſſeſſion of the office. This act of violence, of all thoſe which were committed during the reign of James, is perhaps the moſt illegal and arbitrary. When the diſpenſing power was the moſt ſtrenuouſly inſiſted on by court lawyers, it had ſtill been allowed, that the ſtatutes which regard private property, could not legally be infringed by that prerogative. Yet in this inſtance it appeared, that even theſe were not now ſecure from invaſion. The privileges of a college are attacked: Men are illegally diſpoſſeſſed of their property, for adhering to their duty, to their oaths, and to their religion: The fountains of the church are attempted to be poiſoned; nor would it be long, it was concluded, ere all eccleſiaſtical, as well as civil preferments, would be beſtowed on ſuch as, negligent of honour, virtue, and ſincerity, baſely ſacrificed their faith to the reigning ſuperſtition. Such were the general ſentiments; and as the univerſities have an intimate connexion with the eccleſiaſtical eſtabliſhments, and mightily intereſt all thoſe who have there received their education, this arbitrary proceeding begat an univerſal diſcontent againſt the king's adminiſtration.

The next meaſure of the court was an inſult ſtill more open on the eccleſiaſtics, and rendered the breach between the king and that powerful body fatal, as well as incurable. It is ſtrange that James, when he felt, from the ſentiments of his own heart, what a mighty influence religious zeal had over him, ſhould yet be ſo infatuated as never once to ſuſpect that it might poſſibly have a proportionable authority over his ſubjects. Could he have profited

profited by repeated experience, he had ſeen inſtances enow of their ſtrong averſion to that communion, which, from a violent, imperious temper, he was determined, by every poſſible expedient, to introduce into his kingdoms.

(1688.) The king publiſhed a ſecond declaration of indulgence, almoſt in the ſame terms with the former; and he ſubjoined an order, that, immediately after divine ſervice, it ſhould be read by the clergy in all the churches. As they were known univerſally to diſapprove of the uſe made of the ſuſpending power, this clauſe, they thought, could be meant only as an inſult upon them; and they were ſenſible, that, by their compliance, they ſhould expoſe themſelves, both to public contempt, on account of their tame behaviour, and to public hatred, by their indirectly patroniſing ſo obnoxious a prerogative *. They were determined, therefore, almoſt univerſally to preſerve the regard of the people; their only protection, while the laws were become of ſo little validity, and while the court was ſo deeply engaged in oppoſite intereſts. In order to encourage them in this reſolution, ſix prelates, namely Lloyde biſhop of St. Aſaph, Ken of Bath and Wells, Turner of Ely, Lake of Chicheſter, White of Peterborough, and Trelawney of Briſtol, met privately with the primate, and concerted the form of a petition to the king. They there repreſent in few words, that, though poſſeſſed of the higheſt ſenſe of loyalty, a virtue of which the church of England had given ſuch eminent teſtimonies; and though deſirous of affording eaſe, in a legal way, to all proteſtant diſſenters; yet, becauſe the declaration of indulgence was founded on a prerogative formerly declared illegal by parliament, they could not, in prudence, honour,

* When Charles diſſolved his laſt parliament, he ſet forth a declaration giving his reaſons for that meaſure, and this declaration the clergy had been ordered to read to the people after divine ſervice. Theſe orders were agreeable to their party prejudices, and they willingly ſubmitted to them. The contrary was now the caſe.

or

or conſcience, ſo far make themſelves parties as the diſtribution of it all over the kingdom would be interpreted to amount to. They therefore beſought the king, that he would not inſiſt upon their reading that declaration *.

The king was incapable, not only of yielding to the greateſt oppoſition, but of allowing the ſlighteſt and moſt reſpectful contradiction to paſs uncenſured. He immediately embraced a reſolution (and his reſolutions, when once embraced, were inflexible) of puniſhing the biſhops, for a petition ſo popular in its matter, and ſo prudent and cautious in the expreſſion. As the petition was delivered him in private, he ſummoned them before the council; and queſtioned them whether they would acknowledge it. The biſhops ſaw his intention, and ſeemed long deſirous to decline anſwering: But being puſhed by the chancellor, they at laſt avowed the petition. On their refuſal to give bail, an order was immediately drawn for their commitment to the Tower; and the crown lawyers received directions to proſecute them for the ſeditious libel, which it was pretended they had compoſed and uttered.

The people were already aware of the danger to which the prelates were expoſed; and were raiſed to the higheſt pitch of anxiety and attention with regard to the iſſue of this extraordinary affair. But when they beheld theſe fathers of the church brought from court under the cuſtody of a guard, when they ſaw them embarked in veſſels on the river, and conveyed towards the Tower, all their affection for liberty, all their zeal for religion, blazed up at once; and they flew to behold this affecting ſpectacle. The whole ſhore was covered with crowds of proſtrate ſpectators, who at once implored the bleſſing of thoſe holy paſtors, and addreſſed their petitions towards Heaven for protection during this extreme danger, to which their country and their religion ſtood expoſed. Even the ſoldiers, ſeized with the contagion of the ſame ſpirit, flung themſelves on their knees before the diſtreſſed

* See note [C] at the end of the volume.

prelates,

prelates, and craved the benediction of thoſe criminals whom they were appointed to guard. Some perſons ran into the water, that they might participate more nearly in thoſe bleſſings, which the prelates were diſtributing on all around them. The biſhops themſelves, during this triumphant ſuffering, augmented the general favour, by the moſt lowly ſubmiſſive deportment; and they ſtill exhorted the people to fear God, honour the king, and maintain their loyalty; expreſſions more animating than the moſt inflammatory ſpeeches. And no ſooner had they entered the precincts of the Tower than they hurried to chapel, in order to return thanks for thoſe afflictions, which Heaven, in defence of its holy cauſe, had thought them worthy to endure.

Their paſſage, when conducted to their trial, was, if poſſible, attended by greater crowds of anxious ſpectators. All men ſaw the dangerous criſis to which affairs were reduced, and were ſenſible that the king could not have put the iſſue on a cauſe more unfavourable for himſelf than that in which he had ſo imprudently engaged. Twenty-nine temporal peers (for the other prelates kept aloof) attended the priſoners to Weſtminſter-hall; and ſuch crowds of gentry followed the proceſſion, that ſcarcely was any room left for the populace to enter. The lawyers for the biſhops were ſir Robert Sawyer, ſir Francis Pemberton, Pollexfen, Treby, and Sommers. No cauſe, even during the proſecution of the popiſh plot, was ever heard with ſo much zeal and attention. The popular torrent, which, of itſelf, ran fierce and ſtrong, was now farther irritated by the oppoſition of government.

The counſel for the biſhops pleaded, that the law allowed ſubjects, if they thought themſelves aggrieved in any particular, to apply by petition to the king, provided they kept within certain bounds, which the ſame law preſcribed to them, and which, in the preſent petition, the prelates had ſtrictly obſerved: That an active obedience in caſes which were contrary to conſcience, was never pretended to be due to government; and law was allowed to be the great meaſure of the compliance

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and ſubmiſſion of ſubjects: That when any perſon found commands to be impoſed upon him which he could not obey, it was more reſpectful in him to offer his reaſons for refuſal, than to remain in a ſullen and refractory ſilence: That it was no breach of duty in ſubjects, even though not called upon, to diſcover their ſenſe of public meaſures, in which every one had ſo intimate a concern: That the biſhops in the preſent caſe were called upon, and muſt either expreſs their approbation by compliance, or their diſapprobation by petition: That it could be no ſedition to deny the prerogative of ſuſpending the laws; becauſe there really was no ſuch prerogative, nor ever could be, in a legal and limited government: That even if this prerogative were real, it had yet been frequently controverted before the whole nation, both in Weſtminſter-hall, and in both houſes of parliament; and no one had ever dreamed of puniſhing the denial of it as criminal: That the prelates, inſtead of making an appeal to the people, had applied in private to his majeſty, and had even delivered their petition ſo ſecretly, that, except by the confeſſion extorted from them before the council, it was found impoſſible to prove them the authors: And that though the petition was afterwards printed and diſperſed, it was not ſo much as attempted to be proved that they had the leaſt knowledge of the publication.

Theſe arguments were convincing in themſelves, and were heard with a favourable diſpoſition by the audience. Even ſome of the judges, though their ſeats were held during pleaſure, declared themſelves in favour of the priſoners. The jury, however, from what cauſe is unknown, took ſeveral hours to deliberate, and kept, during ſo long a time, the people in the moſt anxious expectation. But when the wiſhed-for verdict, *not guilty*, was at laſt pronounced *, the intelligence was echoed through the hall, was conveyed to the crowds without, was carried into the city, and was propagated with infinite joy throughout the kingdom.

* 17th June.

Ever

Ever ſince Monmouth's rebellion, the king had, every ſummer, encamped his army on Hounſlow-heath, that he might both improve their diſcipline, and by ſo unuſual a ſpectacle overawe the mutinous people. A popiſh chapel was openly erected in the midſt of the camp, and great pains were taken, though in vain, to bring over the ſoldiers to that communion. The few converts, whom the prieſts had made, were treated with ſuch contempt and ignominy, as deterred every one from following the example. Even the Iriſh officers, whom the king introduced into the army, ſerved rather, from the averſion borne them, to weaken his intereſt among them. It happened, that the very day on which the trial of the biſhops was finiſhed, James had reviewed the troops, and had retired into the tent of lord Feverſham, the general; when he was ſurpriſed to hear a great uproar in the camp, attended with the moſt extravagant ſymptoms of tumultuary joy. He ſuddenly inquired the cauſe, and was told by Feverſham, "It was nothing but "the rejoicing of the ſoldiers for the acquittal of the "biſhops."—"Do you call that nothing?" replied he, "but ſo much the worſe for them."

The king was ſtill determined to ruſh forward in the ſame courſe, in which he was already, by his precipitate career, ſo fatally advanced. Though he knew that every order of men, except a handful of catholics, were enraged at his paſt meaſures, and ſtill more terrified with the future proſpect; though he ſaw that the ſame diſcontents had reached the army, his ſole reſource during the general diſaffection; yet was he incapable of changing his meaſures, or even of remitting his violence in the proſecution of them. He ſtruck out two of the judges, Powel and Holloway, who had appeared to favour the biſhops: He iſſued orders to proſecute all thoſe clergymen who had not read his declaration; that is, the whole church of England, two hundred excepted: He ſent a mandate to the new fellows, whom he had obtruded on Magdalen college, to elect for preſident, in the room of Parker, lately deceaſed, one Gifford, a doctor of the Sorbonne, and titular biſhop of Madura: And he

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is even ſaid to have nominated the ſame perſon to the ſee of Oxford. So great an infatuation is perhaps an object of compaſſion rather than of anger: And is really ſurpriſing in a man who, in other reſpects, was not wholly deficient in ſenſe and accompliſhments.

A few days before the acquittal of the biſhops, an event happened, which, in the king's ſentiments, much overbalanced all the mortifications received on that occaſion. The queen was delivered of a ſon * who was baptized by the name of James. This bleſſing was impatiently longed for, not only by the king and queen, but by all the zealous catholics both abroad and at home. They ſaw, that the king was paſt middle age; and that on his death the ſucceſſion muſt devolve to the prince and princeſs of Orange, two zealous proteſtants, who would ſoon replace every thing on ancient foundations. Vows therefore were offered at every ſhrine for a male ſucceſſor: Pilgrimages were undertaken, particularly one to Loretto, by the dutcheſs of Modena; and ſucceſs was chiefly attributed to that pious journey. But in proportion as this event was agreeable to the catholics, it increaſed the diſguſt of the proteſtants, by depriving them of that pleaſing, though ſomewhat diſtant proſpect, in which at preſent they flattered themſelves. Calumny even went ſo far as to aſcribe to the king the deſign of impoſing on the world a ſuppoſititious child, who might be educated in his principles, and after his death ſupport the catholic religion in his dominions. The nation almoſt univerſally believed him capable, from bigotry, of committing any crime; as they had ſeen, that, from like motives, he was guilty of every imprudence: And the affections of nature, they thought, would be eaſily ſacrificed to the ſuperior motive of propagating a catholic and orthodox faith. The preſent occaſion was not the firſt, when that calumny had been invented. In the year 1682, the queen, then dutcheſs of York, had been pregnant; and rumours were ſpread that an impoſture would at that time be obtruded upon the nation: But,

* 10th June.

happily,

happily, the infant proved a female, and thereby ſpared the party all the trouble of ſupporting their improbable fiction *.

CHAP. LXXI.

Conduct of the prince of Orange—He forms a league againſt France—refuſes to concur with the king—reſolves to oppoſe the king—Is applied to by the Engliſh—Coalition of parties—Prince's preparations—Offers of France to the king—rejected—Suppoſed league with France—General diſcontents—The king retracts his meaſures—Prince's declaration—The prince lands in England—General commotion—Deſertion of the army—and of prince George—and of the princeſs Anne—King's conſternation—and flight—General confuſion—King ſeized at Feverſham—Second eſcape—King's character—Convention ſummoned—Settlement of Scotland—Engliſh convention meets—Views of the parties—Free conference between the houſes—Commons prevail—Settlement of the crown—Manners and ſciences.

WHILE every motive, civil and religious, concurred to alienate from the king every rank and denomination of men, it might be expected that his throne would, without delay, fall to pieces by its own weight: But ſuch is the influence of eſtabliſhed government; ſo averſe are men from beginning hazardous enterpriſes; that, had not an attack been made from abroad, affairs might long have remained in their preſent delicate ſituation, and James might at laſt have prevailed in his raſh and ill-concerted projects.

* This ſtory is taken notice of in a weekly paper, the Obſervator, publiſhed at that very time, 23d of Auguſt 1682. Party zeal is capable of ſwallowing the moſt incredible ſtory; but it is ſurely ſingular, that the ſame calumny, when once baffled, ſhould yet be renewed with ſuch ſucceſs.

The prince of Orange, ever ſince his marriage with the lady Mary, had maintained a very prudent conduct; agreeably to that ſound underſtanding with which he was ſo eminently endowed. He made it a maxim to concern himſelf little in Engliſh affairs, and never by any meaſure to diſguſt any of the factions, or give umbrage to the prince who filled the throne. His natural inclination, as well as his intereſt, led him to employ himſelf with aſſiduous induſtry in the tranſactions on the continent, and to oppoſe the grandeur of the French monarch, againſt whom he had long, both from perſonal and political conſiderations, conceived a violent animoſity. By this conduct, he gratified the prejudices of the whole Engliſh nation: But as he croſſed the inclinations of Charles, who ſought peace by compliance with France, he had much declined in the favour and affections of that monarch.

James on his acceſſion found it ſo much his intereſt to live on good terms with the heir apparent, that he ſhowed the prince ſome demonſtrations of friendſhip; and the prince, on his part, was not wanting in every inſtance of duty and regard towards the king. On Monmouth's invaſion, he immediately deſpatched over ſix regiments of Britiſh troops, which were in the Dutch ſervice; and he offered to take the command of the king's forces againſt the rebels. How little ſoever he might approve of James's adminiſtration, he always kept a total ſilence on the ſubject, and gave no countenance to thoſe diſcontents which were propagated with ſuch induſtry throughout the nation.

It was from the application of James himſelf, that the prince firſt openly took any part in Engliſh affairs. Notwithſtanding the lofty ideas which the king had entertained of his prerogative, he found that the edicts emitted from it ſtill wanted much of the authority of laws, and that the continuance of them might in the iſſue become dangerous, both to himſelf and to the catholics, whom he deſired to favour. An act of parliament alone could enſure the indulgence or toleration, which he had laboured to eſtabliſh; and he hoped that, if the prince would declare

declare in favour of that ſcheme, the members, who had hitherto reſiſted all his own applications, would at laſt be prevailed with to adopt it. The conſent, therefore, of the prince to the repeal of the penal ſtatutes and of the teſt was ſtrongly ſolicited by the king; and in order to engage him to agree to that meaſure, hopes were given, that England would ſecond him in all thoſe enterpriſes which his active and extenſive genius had with ſuch ſucceſs planned on the continent. He was at this time the centre of all the negotiations of Chriſtendom.

The emperor and the king of Spain, as the prince well knew, were enraged by the repeated injuries which they had ſuffered from the ambition of Lewis, and ſtill more by the frequent inſults which his pride had made them undergo. He was appriſed of the influence of theſe monarchs over the catholic princes of the empire: He had himſelf acquired great authority with the proteſtants: And he formed a project of uniting Europe in one general league againſt the encroachments of France, which ſeemed ſo nearly to threaten the independence of all its neighbours.

No characters are more incompatible than thoſe of a conqueror and a perſecutor; and Lewis ſoon found, that beſides his weakening France by the baniſhment of ſo many uſeful ſubjects, the refugees had inflamed all the proteſtant nations againſt him, and had raiſed him enemies who, in defence of their religion as well as liberty, were obſtinately reſolved to oppoſe his progreſs. The city of Amſterdam and other towns in Holland, which had before fallen into a dependance on France, being terrified with the accounts which they every moment received, of the furious perſecutions againſt the Hugonots, had now dropped all domeſtic faction, and had entered into an entire confidence with the prince of Orange. The proteſtant princes of the empire formed a ſeparate league at Magdebourg for the defence of their religion. The Engliſh were anew enraged at the blind bigotry of their ſovereign, and were diſpoſed to embrace the moſt deſperate reſolutions againſt him. From a view of the ſtate of Europe during this period, it appears, that

Lewis, beſides ſullying an illuſtrious reign, had wantonly by this perſecution raiſed invincible barriers to his arms, which otherwiſe it had been difficult, if not impoſſible, to reſiſt.

The prince of Orange knew how to avail himſelf of all theſe advantages. By his intrigues and influence there was formed at Augſburg a league, in which the whole empire united for its defence againſt the French monarch. Spain and Holland became parties in the alliance. The acceſſion of Savoy was afterwards obtained. Sweden and Denmark ſeemed to favour the ſame cauſe. But though theſe numerous ſtates compoſed the greater part of Europe, the league was ſtill deemed imperfect and unequal to its end, ſo long as England maintained that neutrality, in which ſhe had hitherto perſevered.

James, though more prone to bigotry, was more ſenſible to his own and to national honour than his brother; and had he not been reſtrained by the former motive, he would have maintained with more ſpirit the intereſts and independence of his kingdoms. When a proſpect, therefore, appeared of effecting his religious ſchemes by oppoſing the progreſs of France, he was not averſe to that meaſure; and he gave his ſon-in-law room to hope, that, by concurring with his views in England, he might prevail with him to ſecond thoſe projects which the prince was ſo ambitious of promoting.

A more tempting offer could not be made to a perſon of his enterpriſing character: But the objections to that meaſure, upon deliberation, appeared to him unſurmountable. The king, he obſerved, had incurred the hatred of his own ſubjects: Great apprehenſions were entertained of his deſigns: The only reſource which the nation ſaw, was in the future ſucceſſion of the prince and princeſs: Should *he* concur in thoſe dreaded meaſures, he would draw on himſelf all the odium under which the king laboured: The nation might even refuſe to bear the expenſe of alliances, which would in that caſe become ſo ſuſpicious: And he might himſelf incur the danger of loſing a ſucceſſion which was awaiting him, and which the egregious indiſcretion of the king ſeemed even to give him

him hopes of reaping before it ſhould devolve to him by the courſe of nature. The prince, therefore, would go no farther than to promiſe his conſent to the repeal of the penal ſtatutes, by which the nonconformiſts as well as catholics were expoſed to puniſhment: The teſt he deemed a ſecurity abſolutely neceſſary for the eſtabliſhed religion.

The king did not remain ſatisfied with a ſingle trial. There was one Stuart, a Scotch lawyer, who had been baniſhed for pretended treaſonable practices; but who had afterwards obtained a pardon, and had been recalled. By the king's directions, Stuart wrote ſeveral letters to penſionary Fagel, with whom he had contracted an acquaintance in Holland; and beſides urging all the motives for an unlimited toleration, he deſired that his reaſons ſhould, in the king's name, be communicated to the prince and princeſs of Orange. Fagel during a long time made no reply; but finding that his ſilence was conſtrued into an aſſent, he at laſt expreſſed his own ſentiments and thoſe of their Highneſſes. He ſaid, that it was their fixed opinion, that no man, merely becauſe he differed from the eſtabliſhed faith, ſhould ever, while he remained a peaceable ſubject, be expoſed to any puniſhment or even vexation. That the prince and princeſs gave heartily their conſent for repealing legally all the penal ſtatutes, as well thoſe which had been enacted againſt the catholics as againſt the proteſtant nonconformiſts; and would concur with the king in any meaſure for that purpoſe. That the teſt was not to be conſidered as a penalty inflicted on the profeſſors of any religion, but as a ſecurity provided for the eſtabliſhed worſhip. That it was no puniſhment on men to be excluded from public offices, and to live peaceably on their own revenues or induſtry. That even in the United Provinces, which were ſo often cited as models of toleration, though all ſects were admitted, yet civil offices were enjoyed by the profeſſors of the eſtabliſhed religion alone. That military commands, indeed, were ſometimes beſtowed on catholics; but as they were conferred with great precaution, and ſtill lay under the control of the magiſtrate,

they could give no juſt reaſon for umbrage. And that their Highneſſes, however deſirous of gratifying the king, and of endeavouring, by every means, to render his reign peaceable and happy, could not agree to any meaſure which would expoſe their religion to ſuch imminent danger.

When this letter was publiſhed, as it ſoon was, it inſpired great courage into the proteſtants of all denominations, and ſerved to keep them united in their oppoſition to the encroachments of the catholics. On the other hand, the king, who was not content with a ſimple toleration of his own religion, but was reſolved that it ſhould enjoy great credit, if not an abſolute ſuperiority, was extremely diſguſted, and took every occaſion to expreſs his diſpleaſure, as well againſt the prince of Orange as the United Provinces. He gave the Algerine pirates, who preyed on the Dutch, a reception in his harbours, and liberty to diſpoſe of their prizes. He revived ſome complaints of the Eaſt India company with regard to the affair of Bantam. He required the ſix Britiſh regiments in the Dutch ſervice to be ſent over. He began to put his navy in a formidable condition. And from all his movements, the Hollanders entertained apprehenſions, that he ſought only an occaſion and pretence for making war upon them.

The prince in his turn reſolved to puſh affairs with more vigour, and to preſerve all the Engliſh proteſtants in his intereſts, as well as maintain them firm in their preſent union againſt the catholics. He knew that men of education in England were, many of them, retained in their religion more by honour than by principle; and that, though every one was aſhamed to be the firſt proſelyte, yet if the example were once ſet by ſome eminent perſons, intereſt would every day make conſiderable converſions to a communion, which was ſo zealouſly encouraged by the ſovereign. Dykvelt therefore was ſent over as envoy to England; and the prince gave him inſtructions, beſides publicly remonſtrating on the conduct of affairs both at home and abroad, to apply in his name, after a proper manner, to every ſect and denomination.

To

To the church party he ſent aſſurances of favour and regard, and proteſted, that his education in Holland had nowiſe prejudiced him againſt epiſcopal government. The nonconformiſts were exhorted not to be deceived by the fallacious careſſes of a popiſh court, but to wait patiently till, in the fulneſs of time, laws enacted by proteſtants ſhould give them that toleration which, with ſo much reaſon, they had long demanded. Dykvelt executed his commiſſion with ſuch dexterity, that all orders of men caſt their eyes towards Holland, and expected thence a deliverance from thoſe dangers with which their religion and liberty were ſo nearly threatened.

Many of the moſt conſiderable perſons, both in church and ſtate, made ſecret applications to Dykvelt, and through him to the prince of Orange. Admiral Herbert too, though a man of great expenſe, and ſeemingly of little religion, had thrown up his employments, and had retired to the Hague, where he aſſured the prince of the diſaffection of the ſeamen, by whom that admiral was extremely beloved. Admiral Ruſſel, couſin-german to the unfortunate lord of that name, paſſed frequently between England and Holland, and kept the communication open with all the great men of the proteſtant party. Henry Sidney, brother to Algernon, and uncle to the earl of Sunderland, came over under pretence of drinking the waters at Spaw, and conveyed ſtill ſtronger aſſurances of an univerſal combination againſt the meaſures of the king. Lord Dumblaine, ſon of the earl of Danby, being maſter of a frigate, made ſeveral voyages to Holland, and carried from many of the nobility tenders of duty, and even conſiderable ſums of money, to the prince of Orange.

There remained, however, ſome reaſons, which retained all parties in awe, and kept them from breaking out into immediate hoſtility. The prince, on the one hand, was afraid of hazarding, by violent meaſures, an inheritance which the laws enſured to the princeſs; and the Engliſh proteſtants, on the other, from the proſpect of her ſucceſſion, ſtill entertained hopes of obtaining at laſt

laſt a peaceable and a ſafe redreſs of all their grievances. But when a ſon was born to the king, both the prince and the Engliſh nation were reduced to deſpair, and ſaw no reſource but in a confederacy for their mutual intereſts. And thus the event, which James had ſo long made the object of his moſt ardent prayers, and from which he expected the firm eſtabliſhment of his throne, proved the immediate cauſe of his ruin and downfal.

Zuyleſtein, who had been ſent over to congratulate the king on the birth of his ſon, brought back to the prince invitation from moſt of the great men in England, to aſſiſt them, by his arms, in the recovery of their laws and liberties. The biſhop of London, the earls of Danby, Nottingham, Devonſhire, Dorſet, the duke of Norfolk, the lords Lovelace, Delamere, Paulet, Eland, Mr. Hambden, Powle, Leſter, beſides many eminent citizens of London; all theſe perſons, though of oppoſite parties, concurred in their applications to the prince. The whigs, ſuitably to their ancient principles of liberty, which had led them to attempt the excluſion-bill, eaſily agreed to oppoſe a king, whoſe conduct had juſtified whatever his worſt enemies had prognoſticated concerning his ſucceſſion. The tories and the church party, finding their paſt ſervices forgotten, their rights invaded, their religion threatened, agreed to drop for the preſent all over-ſtrained doctrines of ſubmiſſion, and attend to the great and powerful dictates of nature. The nonconformiſts, dreading the careſſes of known and inveterate enemies, deemed the offers of toleration more ſecure from a prince, educated in thoſe principles, and accuſtomed to that practice. And thus all faction was for a time laid aſleep in England; and rival parties, forgetting their animoſity, had ſecretly concurred in a deſign of reſiſting their unhappy and miſguided ſovereign. The earl of Shrewſbury, who had acquired great popularity by deſerting, at this time, the catholic religion, in which he had been educated, left his regiment, mortgaged his eſtate for forty thouſand pounds, and made a tender of his ſword and purſe to the prince of Orange. Lord Wharton, notwithſtanding his age and infirm-

infirmities, had taken a journey for the ſame purpoſe. Lord Mordaunt was at the Hague, and puſhed on the enterpriſe with that ardent and courageous ſpirit, for which he was ſo eminent. Even Sunderland, the king's favourite miniſter, is believed to have entered into a correſpondence with the prince; and at the expenſe of his own honour and his maſter's intereſts, to have ſecretly favoured a cauſe, which, he foreſaw, was likely ſoon to predominate *.

The prince was eaſily engaged to yield to the applications of the Engliſh, and to embrace the defence of a nation, which, during its preſent fears and diſtreſſes, regarded him as its ſole protector. The great object of his ambition was to be placed at the head of a confederate army, and by his valour to avenge the injuries, which he himſelf, his country, and his allies, had ſuſtained from the haughty Lewis. But while England remained under the preſent government, he deſpaired of ever forming a league which would be able, with any probability of ſucceſs, to make oppoſition againſt that powerful monarch. The ties of affinity could not be ſuppoſed to have great influence over a perſon of the prince's rank and temper; much more as he knew, that they were at firſt unwillingly contracted by the king, and had never ſince been cultivated by any eſſential favours or good offices. Or ſhould any reproach remain upon him for violating the duties of private life; the glory of delivering oppreſſed nations would, he hoped, be able, in the eyes of reaſonable men, to make ample compenſation. He could not well expect, on the commencement of his enterpriſe, that it would lead him to mount the throne of England: But he undoubtedly foreſaw, that its ſucceſs would eſtabliſh his authority in that kingdom. And ſo egregious was James's temerity, that there was no advantage, ſo great or obvious,

* D'Avaux was always of that opinion. See his negotiations 6th and 20th May, 18th, 27th of September, 22d of November, 1688. On the whole, that opinion is the moſt probable.

which

which that prince's indiſcretion might not afford his enemies.

The prince of Orange, throughout his whole life, was peculiarly happy in the ſituations in which he was placed. He ſaved his own country from ruin, he reſtored the liberties of theſe kingdoms, he ſupported the general independency of Europe. And thus, though his virtue, it is confeſſed, be not the pureſt which we meet with in hiſtory, it will be difficult to find any perſon, whoſe actions and conduct have contributed more eminently to the general intereſts of ſociety and of mankind.

The time, when the prince entered on his enterpriſe, was well choſen; as the people were then in the higheſt ferment, on account of the inſult which the impriſonment and trial of the biſhops had put upon the church, and indeed upon all the proteſtants of the nation. His method of conducting his preparations was no leſs wiſe and politic. Under other pretences he had beforehand made conſiderable augmentations to the Dutch navy; and the ſhips were at that time lying in harbour. Some additional troops were alſo levied; and ſums of money, raiſed for other purpoſes, were diverted by the prince to the uſe of this expedition. The States had given him their entire confidence; and partly from terror of the power of France, partly from diſguſt at ſome reſtraints laid on their commerce in that kingdom, were ſenſible how neceſſary ſucceſs in this enterpriſe was become to their domeſtic happineſs and ſecurity. Many of the neighbouring princes regarded him as their guardian and protector, and were guided by him in all their counſels. He held conferences with Caſtanaga, governor of the Spaniſh Netherlands, with the electors of Brandenburgh and Saxony, with the landgrave of Heſſe-Caſſel, and with the whole houſe of Lunenbourg. It was agreed, that theſe princes ſhould replace the troops employed againſt England, and ſhould protect the United Provinces during the abſence of the prince of Orange. Their forces were already on their march for that purpoſe: A conſiderable encampment of the Dutch army was

was formed at Nimeguen: Every place was in movement; and though the roots of this conſpiracy reached from one end of Europe to the other, ſo ſecret were the prince's counſels, and ſo fortunate was the ſituation of affairs, that he could ſtill cover his preparations under other pretences; and little ſuſpicion was entertained of his real intentions.

The king of France, menaced by the league of Augſbourg, had reſolved to ſtrike the firſt blow againſt the allies; and having ſought a quarrel with the emperor and the elector palatine, he had invaded Germany with a great army, and had laid ſiege to Philipſbourg. The elector of Cologne, who was alſo biſhop of Liege and Munſter, and whoſe territories almoſt entirely ſurrounded the United Provinces, had died about this time; and the candidates for that rich ſucceſſion were prince Clement of Bavaria, ſupported by the houſe of Auſtria, and the cardinal of Furſtemberg, a prelate dependant on France. The pope, who favoured the allies, was able to throw the balance between the parties, and prince Clement was choſen; a circumſtance which contributed extremely to the ſecurity of the States. But as the cardinal kept poſſeſſion of many of the fortreſſes, and had applied to France for ſuccour, the neighbouring territories were full of troops; and by this means the preparations of the Dutch and their allies ſeemed intended merely for their own defence againſt the different enterpriſes of Lewis.

All the artifices, however, of the prince could not entirely conceal his real intentions from the ſagacity of the French court. D'Avaux, Lewis's envoy at the Hague, had been able, by a compariſon of circumſtances, to trace the purpoſes of the preparations in Holland; and he inſtantly informed his maſter of this diſcovery. Lewis conveyed the intelligence to James; and accompanied the information with an important offer. He was willing to join a ſquadron of French ſhips to the Engliſh fleet; and to ſend over any number of troops, which James ſhould judge requiſite for his ſecurity. When this propoſal was rejected, he again offered to

raiſe

raiſe the ſiege of Philipſbourg, to march his army into the Netherlands, and by the terror of his arms to detain the Dutch forces in their own country. This propoſal met with no better reception.

James was not, as yet, entirely convinced that his ſon-in-law intended an invaſion upon England. Fully perſuaded, himſelf, of the ſacredneſs of his own authority, he fancied that a like belief had made deep impreſſion on his ſubjects; and notwithſtanding the ſtrong ſymptoms of diſcontent which broke out everywhere, ſuch an univerſal combination in rebellion appeared to him nowiſe credible. His army, in which he truſted, and which he had conſiderably augmented, would eaſily be able, he thought, to repel foreign force, and to ſuppreſs any ſedition among the populace. A ſmall number of French troops, joined to theſe, might tend only to breed diſcontent; and afford them a pretence for mutinying againſt foreigners, ſo much feared and hated by the nation. A great body of auxiliaries might indeed ſecure him both againſt an invaſion from Holland, and againſt the rebellion of his own ſubjects; but would be able afterwards to reduce him to dependance, and render his authority entirely precarious. Even the French invaſion of the Low Countries might be attended with dangerous conſequences; and would ſuffice, in theſe jealous times, to revive the old ſuſpicion of a combination againſt Holland, and againſt the proteſtant religion; a ſuſpicion, which had already produced ſuch diſcontents in England. Theſe were the views ſuggeſted by Sunderland; and it muſt be confeſſed, that the reaſons on which they were founded, were ſufficiently plauſible; as indeed the ſituation, to which the king had reduced himſelf, was, to the laſt degree, delicate and perplexing.

Still Lewis was unwilling to abandon a friend and ally, whoſe intereſts he regarded as cloſely connected with his own. By the ſuggeſtion of Skelton, the king's miniſter at Paris, orders were ſent to D'Avaux to remonſtrate with the States, in Lewis's name, againſt thoſe preparations which they were making to invade England.

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The ſtrict amity, ſaid the French miniſter, which ſubſiſts between the two monarchs will make Lewis regard every attempt againſt his ally as an act of hoſtility againſt himſelf. This remonſtrance had a bad effect, and put the States in a flame. What is this alliance, they aſked, between France and England, which has been ſo carefully concealed from us? Is it of the ſame nature with the former; meant for our deſtruction, and for the extirpation of the proteſtant religion? If ſo, it is high time for us to provide for our own defence, and to anticipate thoſe projects which are forming againſt us.

Even James was diſpleaſed with this officious ſtep taken by Lewis for his ſervice. He was not reduced, he ſaid, to the condition of the cardinal of Furſtemberg, and obliged to ſeek the protection of France. He recalled Skelton, and threw him into the Tower for his raſh conduct. He ſolemnly diſavowed D'Avaux's memorial; and proteſted, that no alliance ſubſiſted between him and Lewis, but what was public and known to all the world. The States, however, ſtill affected to appear incredulous on that head *; and the Engliſh, prepoſſeſſed againſt their ſovereign, firmly believed that he had concerted a project with Lewis for their entire ſubjection. Portſmouth, it was ſaid, was to be put into the hands of that ambitious monarch; England was to be filled with French and Iriſh troops: And every man, who refuſed to embrace the Romiſh ſuperſtition, was by theſe bigotted princes devoted to certain deſtruction.

Theſe ſuggeſtions were every-where ſpread abroad, and tended to augment the diſcontents, of which both the fleet and army, as well as the people, betrayed every day the moſt evident ſymptoms. The fleet had begun to mutiny; becauſe Stricland, the admiral, a Roman catholic, introduced the maſs aboard his ſhip, and diſmiſſed the proteſtant chaplain. It was with ſome diffi-

* That there really was no new alliance formed betwixt France and England appears both from Sunderland's apology, and from D'Avaux's negotiations, lately publiſhed.

culty the ſeamen could be appeaſed; and they ſtill perſiſted in declaring, that they would not fight againſt the Dutch, whom they called friends and brethren, but would willingly give battle to the French, whom they regarded as national enemies. The king had intended to augment his army with Iriſh recruits, and he reſolved to try the experiment on the regiment of the duke of Berwic, his natural ſon: But Beaumont, the lieutenant-colonel, refuſed to admit them; and to this oppoſition five captains ſteadily adhered. They were all caſhiered; and had not the diſcontents of the army on this occaſion become very apparent, it was reſolved to have puniſhed thoſe officers for mutiny.

The king made a trial of the diſpoſitions of his army, in a manner ſtill more undiſguiſed. Finding oppoſition from all the civil and eccleſiaſtical orders of the kingdom, he reſolved to appeal to the military, who, if unanimous, were able alone to ſerve all his purpoſes, and to enforce univerſal obedience. His intention was to engage all the regiments, one after another, to give their conſent to the repeal of the teſt and penal ſtatutes; and accordingly, the major of Litchfield's drew out the battalion before the king, and told them, that they were required either to enter into his majeſty's views in theſe particulars, or to lay down their arms. James was ſurpriſed to find that, two captains and a few popiſh ſoldiers excepted, the whole battalion immediately embraced the latter part of the alternative. For ſome time he remained ſpeechleſs; but having recovered from his aſtoniſhment, he commanded them to take up their arms; adding, with a ſullen diſcontented air, "That, for the "future, he would not do them the honour to apply "for their approbation."

While the king was diſmayed with theſe ſymptoms of general diſaffection, he received a letter * from the marquis of Albeville, his miniſter at the Hague, which informed him with certainty, that he was ſoon to look for a powerful invaſion from Holland, and that pen-

* 23d September.

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ſionary Fagel had at length acknowledged, that the ſcope of all the Dutch naval preparations was to tranſport forces into England. Though James could reaſonably expect no other intelligence, he was aſtoniſhed at the news: He grew pale, and the letter dropped from his hand: His eyes were now opened, and he found himſelf on the brink of a frightful precipice, which his deluſions had hitherto concealed from him. His miniſters and counſellors, equally aſtoniſhed, ſaw no reſource but in a ſudden and precipitate retraction of all thoſe fatal meaſures by which he had created to himſelf ſo many enemies, foreign and domeſtic. He paid court to the Dutch, and offered to enter into any alliance with them for common ſecurity: He replaced in all the counties the deputy-lieutenants and juſtices, who had been deprived of their commiſſions for their adherence to the teſt and the penal laws: He reſtored the charters of London, and of all the corporations: He annulled the court of eccleſiaſtical commiſſion: He took off the biſhop of London's ſuſpenſion: He reinſtated the expelled preſident and fellows of Magdalen college: And he was even reduced to careſs thoſe biſhops whom he had ſo lately proſecuted and inſulted. All theſe meaſures were regarded as ſymptoms of fear, not of repentance. The biſhops, inſtead of promiſing ſuccour, or ſuggeſting comfort, recapitulated to him all the inſtances of his mal-adminiſtration, and adviſed him thenceforwards to follow more ſalutary counſel. And as intelligence arrived of a great diſaſter which had befallen the Dutch fleet, it is commonly believed, that the king recalled for ſome time, the conceſſions which he had made to Magdalen college: A bad ſign of his ſincerity in his other conceſſions. Nay, ſo prevalent were his unfortunate prepoſſeſſions, that, amidſt all his preſent diſtreſſes, he could not forbear, at the baptiſm of the young prince, appointing the pope to be one of the godfathers.

The report, that a ſuppoſititious child was to be impoſed on the nation, had been widely ſpread, and greedily received, before the birth of the prince of Wales: But

the king, who, without ſeeming to take notice of the matter, might eaſily have quaſhed that ridiculous rumour, had, from an ill-timed haughtineſs, totally neglected it. He diſdained, he ſaid, to ſatisfy thoſe who could deem him capable of ſo baſe and villainous an action. Finding that the calumny gained ground, and had made deep impreſſion on his ſubjects, he was now obliged to ſubmit to the mortifying taſk of aſcertaining the reality of the birth. Though no particular attention had been beforehand given to enſure proof, the evidence, both of the queen's pregnancy and delivery, was rendered indiſputable; and ſo much the more, as no argument or proof of any importance, nothing but popular rumour and ſurmiſe, could be thrown into the oppoſite ſcale.

Meanwhile, the prince of Orange's declaration was diſperſed over the kingdom, and met with univerſal approbation. All the grievances of the nation were there enumerated: The diſpenſing and ſuſpending power; the court of eccleſiaſtical commiſſion; the filling of all offices with catholics, and the raiſing of a Jeſuit to be privy-counſellor; the open encouragement given to popery, by building every-where churches, colleges, and ſeminaries, for that ſect; the diſplacing of judges, if they refuſed to give ſentence according to orders received from court; the annulling of the charters of all the corporations, and the ſubjecting of elections to arbitrary will and pleaſure; the treating of petitions, even the moſt modeſt, and from perſons of the higheſt rank, as criminal and ſeditious; the committing of the whole authority of Ireland, civil and military, into the hands of papiſts; the aſſuming of an abſolute power over the religion and laws of Scotland, and openly exacting in that kingdom an obedience without reſerve; and the violent preſumptions againſt the legitimacy of the prince of Wales. In order to redreſs all theſe grievances, the prince ſaid that he intended to come over to England with an armed force, which might protect him from the king's evil counſellors: And that his ſole aim was to have a legal and free parliament aſſembled, who might provide for the ſafety and liberty of

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the nation, as well as examine the proofs of the prince of Wales's legitimacy. No one, he added, could entertain ſuch hard thoughts of him as to imagine, that he had formed any other deſign than to procure the full and laſting ſettlement of religion, liberty, and property. The force which he meant to bring with him was totally diſproportioned to any views of conqueſt; and it were abſurd to ſuſpect, that ſo many perſons of high rank, both in church and ſtate, would have given him ſo many ſolemn invitations for ſuch a pernicious purpoſe. Though the Engliſh miniſters, terrified with his enterpriſe, had pretended to redreſs ſome of the grievances complained of; there ſtill remained the foundation of all grievances, that upon which they could in an inſtant be again erected, an arbitrary and deſpotic power in the crown. And for this uſurpation there was no poſſible remedy, but by a full declaration of all the rights of the ſubject in a free parliament.

So well concerted were the prince's meaſures, that, in three days, above four hundred tranſports were hired; the army quickly fell down the rivers and canals from Nimeguen; the artillery, arms, ſtores, and horſes, were embarked; and the prince ſet ſail from Helvoet-Sluice *, with a fleet of near five hundred veſſels, and an army of above fourteen thouſand men. He firſt encountered a ſtorm, which drove him back: But his loſs being ſoon repaired, the fleet put to ſea under the command of admiral Herbert, and made ſail with a fair wind towards the weſt of England. The ſame wind detained the king's fleet in their ſtation near Harwich, and enabled the Dutch to paſs the ſtreights of Dover without oppoſition. Both ſhores were covered with multitudes of people, who, beſides admiring the grandeur of the ſpectacle, were held in anxious ſuſpenſe by the proſpect of an enterpriſe, the moſt important, which, during ſome ages, had been undertaken in Europe. The prince had a proſperous voyage, and landed his army ſafely in Torbay on the

* 21ſt October.

fifth of November, the anniverſary of the gunpowder-treaſon.

The Dutch army marched firſt to Exeter; and the prince's declaration was there publiſhed. That whole county was ſo terrified with the executions which had enſued upon Monmouth's rebellion, that no one for ſeveral days joined the prince. The biſhop of Exeter in a fright fled to London, and carried to court intelligence of the invaſion. As a reward of his zeal, he received the archbiſhopric of York, which had long been kept vacant, with an intention, as was univerſally believed, of beſtowing it on ſome catholic. The firſt perſon who joined the prince was major Burrington; and he was quickly followed by the gentry of the counties of Devon and Somerſet. Sir Edward Seymour made propoſals for an aſſociation, which every one ſigned. By degrees, the earl of Abingdon, Mr. Ruſſel, ſon of the earl of Bedford, Mr. Wharton, Godfrey, Howe, came to Exeter. All England was in commotion. Lord Delamere took arms in Cheſhire, the earl of Danby ſeized York, the earl of Bath, governor of Plymouth, declared for the prince, the earl of Devonſhire made a like declaration in Derby. The nobility and gentry of Nottinghamſhire embraced the ſame cauſe; and every day there appeared ſome effect of that univerſal combination into which the nation had entered againſt the meaſures of the king. Even thoſe who took not the field againſt him, were able to embarraſs and confound his counſels. A petition for a free parliament was ſigned by twenty-four biſhops and peers of the greateſt diſtinction, and was preſented to the king. No one thought of oppoſing or reſiſting the invader.

But the moſt dangerous ſymptom was the diſaffection which from the general ſpirit of the nation, not from any particular reaſon, had creeped into the army. The officers ſeemed all diſpoſed to prefer the intereſts of their country and of their religion to thoſe principles of honour and fidelity, which are commonly eſteemed the moſt ſacred ties by men of that profeſſion. Lord Colcheſter, ſon

ſon of the earl of Rivers, was the firſt officer that deſerted to the prince; and he was attended by a few of his troops. Lord Lovelace made a like effort; but was intercepted by the militia under the duke of Beaufort, and taken priſoner. Lord Cornbury, ſon of the earl of Clarendon, was more ſucceſsful: He attempted to carry over three regiments of cavalry; and he actually brought a conſiderable part of them to the prince's quarters. Several officers of diſtinction informed Feverſham, the general, that they could not in conſcience fight againſt the prince of Orange.

Lord Churchill had been raiſed from the rank of a page, had been inveſted with a high command in the army, had been created a peer, and had owed his whole fortune to the king's favour: Yet even he could reſolve, during the preſent extremity, to deſert his unhappy maſter, who had ever repoſed entire confidence in him. He carried with him the duke of Grafton, natural ſon of the late king, colonel Berkeley, and ſome troops of dragoons. This conduct was a ſignal ſacrifice to public virtue of every duty in private life; and required, ever after, the moſt upright, diſintereſted, and public-ſpirited behaviour, to render it juſtifiable.

The king had arrived at Saliſbury, the head-quarters of his army, when he received this fatal intelligence. That prince, though a ſevere enemy, had ever appeared a warm, ſteady, and ſincere friend; and he was extremely ſhocked with this, as with many other inſtances of ingratitude, to which he was now expoſed. There remained none in whom he could confide. As the whole army had diſcovered ſymptoms of diſcontent, he concluded it full of treachery; and being deſerted by thoſe whom he had moſt favoured and obliged, he no longer expected that others would hazard their lives in his ſervice. During this diſtraction and perplexity, he embraced a ſudden reſolution of drawing off his army, and retiring towards London: A meaſure which could only ſerve to betray his fears, and provoke farther treachery.

But Churchill had prepared a ſtill more mortal blow for his diſtreſſed benefactor. His lady and he had an entire

entire aſcendant over the family of prince George of Denmark; and the time now appeared ſeaſonable for overwhelming the unhappy king, who was already ſtaggering with the violent ſhocks which he had received. Andover was the firſt ſtage of James's retreat towards London; and there prince George, together with the young duke of Ormond *, ſir George Huet, and ſome other perſons of diſtinction, deſerted him in the night-time, and retired to the prince's camp. No ſooner had this news reached London, than the princeſs Anne, pretending fear of the king's diſpleaſure, withdrew herſelf in company with the biſhop of London and lady Churchill. She fled to Nottingham; where the earl of Dorſet received her with great reſpect, and the gentry of the county quickly formed a troop for her protection.

The late king, in order to gratify the nation, had entruſted the education of his nieces entirely to proteſtants; and as theſe princeſſes were deemed the chief reſource of the eſtabliſhed religion after their father's defection, great care had been taken to inſtil into them, from their earlieſt infancy, the ſtrongeſt prejudices againſt popery. During the violence too of ſuch popular currents, as now prevailed in England, all private conſiderations are commonly loſt in the general paſſion; and the more principle any perſon poſſeſſes, the more apt is he, on ſuch occaſions, to neglect and abandon his domeſtic duties. Though theſe cauſes may account for the behaviour of the princeſs, they had nowiſe prepared the king to expect ſo aſtoniſhing an event. He burſt into tears, when the firſt intelligence of it was conveyed to him. Undoubtedly he foreſaw in this incident the total expiration of his royal authority: But the nearer and more intimate concern of a parent laid hold of his heart; when he found himſelf abandoned in his uttermoſt diſtreſs by a child, and a virtuous child, whom he had ever regarded with the moſt tender affection. "God help me," cried he, in the extremity of his agony, "my own children have forſaken me!" It

* His grandfather, the firſt duke of Ormond, had died this year, on the 21ſt of July.

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is indeed ſingular, that a prince whoſe chief blame conſiſted in imprudences, and miſguided principles, ſhould be expoſed, from religious antipathy, to ſuch treatment as even Nero, Domitian, or the moſt enormous tyrants that have diſgraced the records of hiſtory, never met with from their friends and family.

So violent were the prejudices which at this time prevailed, that this unhappy father, who had been deſerted by his favourite child, was believed, upon her diſappearing, to have put her to death: And it was fortunate, that the truth was timely diſcovered; otherwiſe the populace, even the king's guards themſelves, might have been engaged, in revenge, to commence a maſſacre of the prieſts and catholics.

The king's fortune now expoſed him to the contempt of his enemies; and his behaviour was not ſuch as could gain him the eſteem of his friends and adherents. Unable to reſiſt the torrent, he preſerved not preſence of mind in yielding to it; but ſeemed in this emergence as much depreſſed with adverſity, as he had before been vainly elated by proſperity. He called a council of all the peers and prelates who were in London; and followed their advice in iſſuing writs for a new parliament, and in ſending Halifax, Nottingham, and Godolphin, as commiſſioners to treat with the prince of Orange. But theſe were the laſt acts of royal authority which he exerted. He even hearkened to imprudent counſel, by which he was prompted to deſert the throne, and to gratify his enemies beyond what their fondeſt hopes could have promiſed them.

The queen obſerving the fury of the people, and knowing how much ſhe was the object of general hatred, was ſtruck with the deepeſt terror, and began to apprehend a parliamentary impeachment, from which, ſhe was told, the queens of England were not exempted. The popiſh courtiers, and above all, the prieſts, were aware, that they ſhould be the firſt ſacrifice, and that their perpetual baniſhment was the ſmalleſt penalty which they muſt expect from national reſentment. They were, therefore, deſirous of carrying the king along with them; whoſe preſence,

preſence, they knew, would ſtill be ſome reſource and protection to them in foreign countries, and whoſe reſtoration, if it ever happened, would again reinſtate them in power and authority. The general defection of the proteſtants made the king regard the catholics as his only ſubjects, on whoſe counſel he could rely; and the fatal cataſtrophe of his father afforded them a plauſible reaſon for making him apprehend a like fate. The great difference of circumſtances was not, during men's preſent diſtractions, ſufficiently weighed. Even after the people were inflamed by a long civil war, the execution of Charles I. could not be deemed a national deed: It was perpetrated by a fanatical army, puſhed on by a daring and enthuſiaſtical leader; and the whole kingdom had ever entertained, and did ſtill entertain, a violent abhorrence againſt that enormity. The ſituation of public affairs, therefore, no more reſembled what it was forty years before, than the prince of Orange, either in birth, character, fortune, or connexions, could be ſuppoſed a parallel to Cromwel.

The emiſſaries of France, and among the reſt Barillon, the French ambaſſador, were buſy about the king; and they had entertained a very falſe notion, which they inſtilled into him, that nothing would more certainly retard the public ſettlement, and beget univerſal confuſion, than his deſerting the kingdom. The prince of Orange had with good reaſon embraced a contrary opinion; and he deemed it extremely difficult to find expedients for ſecuring the nation, ſo long as the king kept poſſeſſion of the crown. Actuated, therefore, by this public motive, and no leſs, we may well preſume, by private ambition, he was determined to uſe every expedient which might intimidate the king, and make him quit that throne which he himſelf was alone enabled to fill. He declined a perſonal conference with James's commiſſioners, and ſent the earls of Clarendon and Oxford to treat with them: The terms which he propoſed, implied almoſt a preſent participation of the ſovereignty: And he ſtopped not a moment the march of his army towards London.

The

The news which the king received from all quarters, ſerved to continue the panic into which he was fallen, and which his enemies expected to improve to their advantage. Colonel Copel, deputy governor of Hull, made himſelf maſter of that important fortreſs; and threw into priſon lord Langdale, the governor, a catholic; together with lord Montgomery, a nobleman of the ſame religion. The town of Newcaſtle received lord Lumley, and declared for the prince of Orange and a free parliament. The duke of Norfolk, lord lieutenant of the county of that name, engaged it in the ſame meaſure. The prince's declaration was read at Oxford by the duke of Ormond, and was received with great applauſe by that loyal univerſity, who alſo made an offer of their plate to the prince. Every day, ſome perſon of quality or diſtinction, and among the reſt the duke of Somerſet, went over to the enemy. A violent declaration was diſperſed in the prince's name, but without his participation; in which every one was commanded to ſeize and puniſh all papiſts, who, contrary to law, pretended either to carry arms, or exerciſe any act of authority. It may not be unworthy of notice, that a merry ballad, called Lilliballero, being at this time publiſhed in deriſion of the papiſts and the Iriſh, it was greedily received by the people, and was ſung by all ranks of men, even by the king's army, who were ſtrongly ſeized with the national ſpirit. This incident both diſcovered, and ſerved to increaſe, the general diſcontent of the kingdom.

The contagion of mutiny and diſobedience had alſo reached Scotland, whence the regular forces, contrary to the advice of Balcarras, the treaſurer, were withdrawn, in order to reinforce the Engliſh army. The marquis of Athole, together with viſcount Tarbat, and others, finding the opportunity favourable, began to form intrigues againſt Perth, the chancellor; and the preſbyterians and other malcontents flocked from all quarters to Edinburgh. The chancellor, apprehenſive of the conſequences, found it expedient to abſcond; and the populace, as if that event were a ſignal for their inſurrection, immediately roſe in arms, and rifled the popiſh chapel in the king's palace.

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palace. All the catholics, even all the zealous royaliſts, were obliged to conceal themſelves; and the privy council, inſtead of their former ſubmiſſive ſtrains of addreſs to the king, and violent edicts againſt their fellow-ſubjects, now made applications to the prince of Orange, as the reſtorer of law and liberty.

The king, every moment alarmed, more and more, by theſe proofs of a general diſaffection, not daring to repoſe truſt in any but thoſe who were expoſed to more danger than himſelf, agitated by diſdain towards ingratitude, by indignation againſt diſloyalty, impelled by his own fears and thoſe of others, precipitately embraced the reſolution of eſcaping into France; and he ſent off beforehand the queen and the infant prince, under the conduct of count Lauzun, an old favourite of the French monarch. (12th Dec.) He himſelf diſappeared in the night-time, attended only by ſir Edward Hales; and made the beſt of his way to a ſhip which waited for him near the mouth of the river. As if this meaſure had not been the moſt grateful to his enemies of any that he could adopt, he had carefully concealed his intention from all the world; and nothing could equal the ſurpriſe which ſeized the city, the court, and the kingdom, upon the diſcovery of this ſtrange event. Men beheld, all of a ſudden, the reins of government thrown up by the hand which held them; and ſaw none, who had any right or even pretenſion, to take poſſeſſion of them.

The more effectually to involve every thing in confuſion, the king appointed not any one, who ſhould, in his abſence, exerciſe any part of the adminiſtration; he threw the great ſeal into the river; and he recalled all thoſe writs which had been iſſued for the election of the new parliament. It is often ſuppoſed, that the ſole motive which impelled him to this ſudden deſertion, was his reluctance to meet a free parliament, and his reſolution not to ſubmit to thoſe terms which his ſubjects would deem requiſite for the ſecurity of their liberties and their religion. But it muſt be conſidered, that his ſubjects had firſt deſerted him, and entirely loſt his confidence; that he might reaſonably be ſuppoſed to entertain fears

for

VOLUME X. page 212.
James II. taking leave of his Queen and Infant Son on their departure for France.

Engraved for J. Parsons, Bartholomew Row, Oct. 1794.

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for his liberty, if not for his life; and that the conditions would not probably be moderate, which the nation, ſenſible of his inflexible temper, enraged with the violation of their laws and the danger of their religion, and foreſeeing his reſentment on account of their paſt reſiſtance, would, in his preſent circumſtances, exact from him.

By this temporary diſſolution of government, the populace were maſters; and there was no diſorder which, during their preſent ferment, might not be dreaded from them. They roſe in a tumult, and deſtroyed all the maſs-houſes. They even attacked and rifled the houſes of the Florentine envoy and Spaniſh ambaſſador, where many of the catholics had lodged their moſt valuable effects. Jefferies, the chancellor, who had diſguiſed himſelf, in order to fly the kingdom, was diſcovered by them, and ſo abuſed, that he died a little after. Even the army, which ſhould have ſuppreſſed thoſe tumults, would, it was apprehended, ſerve rather to increaſe the general diſorder. Feverſham had no ſooner heard of the king's flight, than he diſbanded the troops in the neighbourhood, and without either diſarming or paying them, let them looſe to prey upon the country.

In this extremity, the biſhops and peers, who were in town, being the only remaining authority of the ſtate (for the privy-council, compoſed of the king's creatures, was totally diſregarded), thought proper to aſſemble, and to interpoſe for the preſervation of the community. They choſe the marquis of Halifax ſpeaker: They gave directions to the mayor and aldermen for keeping the peace of the city: They iſſue orders, which were readily obeyed, to the fleet, the army, and all the garriſons: And they made applications to the prince of Orange, whoſe enterpriſe they highly applauded, and whoſe ſucceſs they joyfully congratulated.

The prince, on his part, was not wanting to the tide of ſucceſs, which flowed in upon him, nor backward in aſſuming that authority which the preſent exigency had put into his hands. Beſides the general popularity attending his cauſe, a new incident made his approach

to London ſtill more grateful. In the preſent trepidation of the people, a rumour aroſe, either from chance or deſign, that the diſbanded Iriſh had taken arms, and had commenced an univerſal maſſacre of the proteſtants. This ridiculous belief was ſpread all over the kingdom in one day; and begat every-where the deepeſt conſternation. The alarm-bells were rung; the beacons fired; men fancied that they ſaw at a diſtance the ſmoke of the burning cities, and heard the groans of thoſe who were ſlaughtered in their neighbourhood. It is ſurpriſing, that the catholics did not all periſh, in the rage which naturally ſucceeds to ſuch popular panics.

While every one, from principle, intereſt, or animoſity, turned his back on the unhappy king, who had abandoned his own cauſe, the unwelcome news arrived, that he had been ſeized by the populace at Feverſham, as he was making his eſcape in diſguiſe; that he had been much abuſed, till he was known; but that the gentry had then interpoſed and protected him, though they ſtill refuſed to conſent to his eſcape. This intelligence threw all parties into confuſion. The prince ſent Zuyleſtein with orders, that the king ſhould approach no nearer than Rocheſter; but the meſſage came too late. He was already arrived in London, where the populace, moved by compaſſion for his unhappy fate, and actuated by their own levity, had received him with ſhouts and acclamations.

During the king's abode at Whitehall, little attention was paid to him by the nobility or any perſons of diſtinction. They had, all of them, been previouſly diſguſted on account of his blind partiality to the catholics; and they knew that they were now become criminal in his eyes, by their late public applications to the prince of Orange. He himſelf ſhowed not any ſymptom of ſpirit, nor diſcovered any intention of reſuming the reins of government, which he had once thrown aſide. His authority was now plainly expired; and as he had exerciſed his power, while poſſeſſed of it, with very precipitate and haughty counſels, he relinquiſhed it by a deſpair equally precipitate and puſillanimous.

Nothing

Nothing remained for the now ruling powers but to deliberate how they ſhould diſpoſe of his perſon. Beſides that the prince may juſtly be ſuppoſed to have poſſeſſed more generoſity than to think of offering violence to an unhappy monarch, ſo nearly related to him, he knew that nothing would ſo effectually promote his own views as the king's retiring into France, a country at all times obnoxious to the Engliſh. It was determined, therefore, to puſh him into that meaſure, which, of himſelf, he ſeemed ſufficiently inclined to embrace. The king having ſent lord Feverſham on a civil meſſage to the prince, deſiring a conference for an accommodation in order to the public ſettlement, that nobleman was put in arreſt, under pretence of his coming without a paſſport: The Dutch guards were ordered to take poſſeſſion of Whitehall, where James then reſided, and to diſplace the Engliſh: And Halifax, Shrewſbury, and Delamere, brought a meſſage from the prince, which they delivered to the king in bed after midnight, ordering him to leave his palace next morning, and to depart for Ham, a ſeat of the dutcheſs of Lauderdale's. He deſired permiſſion, which was eaſily granted, of retiring to Rocheſter, a town near the ſea-coaſt. It was perceived, that the artifice had taken effect; and that the king, terrified with this harſh treatment, had renewed his former reſolution of leaving the kingdom.

He lingered, however, ſome days at Rocheſter, under the protection of a Dutch guard, and ſeemed deſirous of an invitation ſtill to keep poſſeſſion of the throne. He was undoubtedly ſenſible, that, as he had at firſt truſted too much to his people's loyalty, and, in confidence of their ſubmiſſion, had offered the greateſt violence to their principles and prejudices; ſo had he, at laſt, on finding his diſappointment, gone too far in the other extreme, and had haſtily ſuppoſed them deſtitute of all ſenſe of duty or allegiance. But obſerving that the church, the nobility, the city, the country, all concurred in neglecting him, and leaving him to his own counſels, he ſubmitted to his melancholy fate; and being urged by earneſt letters from the queen, he privately embarked

on board a frigate which waited for him *; and he arrived ſafely at Ambleteuſe in Picardy, whence he haſtened to St. Germains. Lewis received him with the higheſt generoſity, ſympathy, and regard; a conduct which, more than his moſt ſignal victories, contributes to the honour of that great monarch.

Thus ended the reign of a prince, whom, if we conſider his perſonal character rather than his public conduct, we may ſafely pronounce more unfortunate than criminal. He had many of thoſe qualities which form a good citizen: Even ſome of thoſe which, had they not been ſwallowed up in bigotry and arbitrary principles, ſerve to compoſe a good ſovereign. In domeſtic life his conduct was irreproachable, and is entitled to our approbation. Severe, but open in his enmities, ſteady in his counſels, diligent in his ſchemes, brave in his enterpriſes, faithful, ſincere, and honourable in his dealings with all men: Such was the character with which the duke of York mounted the throne of England. In that high ſtation, his frugality of public money was remarkable, his induſtry exemplary, his application to naval affairs ſucceſsful, his encouragement of trade judicious, his jealouſy of national honour laudable: What then was wanting to make him an excellent ſovereign? A due regard and affection to the religion and conſtitution of his country. Had he been poſſeſſed of this eſſential quality, even his middling talents, aided by ſo many virtues, would have rendered his reign honourable and happy. When it was wanting, every excellency, which he poſſeſſed, became dangerous and pernicious to his kingdoms.

The ſincerity of this prince (a virtue on which he highly valued himſelf) has been much queſtioned in thoſe reiterated promiſes which he had made of preſerving the liberties and religion of the nation. It muſt be confeſſed, that his reign was almoſt one continued invaſion of both; yet it is known, that, to his laſt breath, he perſiſted in aſſerting, that he never meant to

* 23d December.

ſubvert

ſubvert the laws, or procure more than a toleration and an equality of privileges to his catholic ſubjects. This queſtion can only affect the perſonal character of the king, not our judgment of his public conduct. Though by a ſtretch of candour we ſhould admit of his ſincerity in theſe profeſſions, the people were equally juſtifiable in their reſiſtance of him. So lofty was the idea which he had entertained of his *legal* authority, that it left his ſubjects little or no right to liberty, but what was dependant on his ſovereign will and pleaſure. And ſuch was his zeal for proſelytiſm, that whatever he might at firſt have intended, he plainly ſtopped not at toleration and equality: He confined all power, encouragement, and favour, to the catholics: Converts from intereſt would ſoon have multiplied upon him: If not the greater, at leaſt the better part of the people, he would have flattered himſelf, was brought over to his religion: And he would in a little time have thought it juſt, as well as pious, to beſtow on them all the public eſtabliſhments. Rigours and perſecutions againſt heretics would ſpeedily have followed; and thus liberty and the proteſtant religion would in the iſſue have been totally ſubverted; though we ſhould not ſuppoſe that James, in the commencement of his reign, had formally fixed a plan for that purpoſe. And, on the whole, allowing this king to have poſſeſſed good qualities and good intentions, his conduct ſerves only, on that very account, as a ſtronger proof, how dangerous it is to allow any prince, infected with the catholic ſuperſtition, to wear the crown of theſe kingdoms.

After this manner, the courage and abilities of the prince of Orange, ſeconded by ſurpriſing fortune, had effected the deliverance of this iſland; and with very little effuſion of blood (for only one officer of the Dutch army and a few private ſoldiers fell in an accidental ſkirmiſh) had dethroned a great prince, ſupported by a formidable fleet and a numerous army. Still the more difficult taſk remained, and what perhaps the prince regarded as not the leaſt important: The obtaining for himſelf that crown, which had fallen from the head of

his father-in-law. Some lawyers, entangled in the ſubtilties and forms of their profeſſion, could think of no expedient, but that the prince ſhould claim the crown by right of conqueſt; ſhould immediately aſſume the title of ſovereign; and ſhould call a parliament, which, being thus legally ſummoned by a king in poſſeſſion, could ratify whatever had been tranſacted before they aſſembled. But this meaſure, being deſtructive of the principles of liberty, the only principles on which his future throne could be eſtabliſhed, was prudently rejected by the prince, who, finding himſelf poſſeſſed of the good-will of the nation, reſolved to leave them entirely to their own guidance and direction. The peers and biſhops, to the number of near ninety, made an addreſs, deſiring him to ſummon a convention by circular letters; to aſſume, in the mean time, the management of public affairs; and to concert meaſures for the ſecurity of Ireland. At the ſame time, they refuſed reading a letter, which the king had left, in order to apologize for his late deſertion, by the violence which had been put upon him. This ſtep was a ſufficient indication of their intentions with regard to that unhappy monarch.

The prince ſeemed ſtill unwilling to act upon an authority, which might be deemed ſo imperfect: He was deſirous of obtaining a more expreſs declaration of the public conſent. A judicious expedient was fallen on for that purpoſe. All the members, who had ſitten in the houſe of commons during any parliament of Charles II. (the only parliaments whoſe election was regarded as free) were invited to meet; and to them were added the mayor, aldermen, and fifty of the common-council. This was regarded as the moſt proper repreſentative of the people that could be ſummoned during the preſent emergence. They unanimouſly voted the ſame addreſs with the lords: And the prince, being thus ſupported by all the legal authority which could poſſibly be obtained in this critical juncture, wrote circular letters to the counties and corporations of England; and his orders were univerſally complied with. A profound tranquil-

tranquillity prevailed throughout the kingdom; and the prince's adminiſtration was ſubmitted to, as if he had ſucceeded in the moſt regular manner to the vacant throne. The fleet received his orders: The army, without murmur or oppoſition, allowed him to new-model them: And the city ſupplied him with a loan of two hundred thouſand pounds.

(1689.) The conduct of the prince, with regard to Scotland, was founded on the ſame prudent and moderate maxims. Finding that there were many Scotchmen of rank at that time in London, he ſummoned them together *, laid before them his intentions, and aſked their advice in the preſent emergency. This aſſembly, conſiſting of thirty noblemen and about fourſcore gentlemen, choſe duke Hamilton preſident; a man who, being of a temporiſing character, was determined to pay court to the preſent authority. His eldeſt ſon, the earl of Arran, profeſſed an adherence to king James; a uſual policy in Scotland, where the father and ſon, during civil commotions, were often obſerved to take oppoſite ſides, in order to ſecure, in all events, the family from attainder. Arran propoſed to invite back the king upon conditions; but as he was vehemently oppoſed in this motion by ſir Patric Hume, and ſeconded by nobody, the aſſembly made an offer to the prince of the preſent adminiſtration, which he willingly accepted. To anticipate a little in our narration; a convention, by circular letters from the prince, was ſummoned at Edinburgh on the twenty-ſecond of March; where it was ſoon viſible, that the intereſt of the malcontents would entirely prevail. The more zealous royaliſts, regarding this aſſembly as illegal, had forborne to appear at elections; and the other party were returned for moſt places. The revolution was not in Scotland, as in England, effected by a coalition of whig and tory: The former party alone had overpowered the government, and were too much enraged by the paſt injuries which they had ſuffered, to admit of any compoſition

* 7th January.

with

with their former maſters. As ſoon as the purpoſe of the convention was diſcovered, the earl of Balcarras and viſcount Dundee, leaders of the tories, withdrew from Edinburgh; and the convention having paſſed a bold and deciſive vote, that king James, by his mal-adminiſtration and his abuſe of power, had *forfeited* all title to the crown, they made a tender of the royal dignity to the prince and princeſs of Orange.

The Engliſh convention was aſſembled *; and it immediately appeared, that the houſe of commons, both from the prevailing humour of the people, and from the influence of preſent authority, were moſtly choſen from among the whig party. After thanks were unanimouſly given by both houſes to the prince of Orange, for the deliverance which he had brought them, a leſs deciſive vote than that of the Scottiſh convention was in a few days paſſed by a great majority of the commons, and ſent up to the peers for their concurrence. It was contained in theſe words: "That king James II. "having endeavoured to ſubvert the conſtitution of the "kingdom, by breaking the original contract between "king and people; and having, by the advice of Je-"ſuits and other wicked perſons, violated the funda-"mental laws, and withdrawn himſelf out of the "kingdom, has abdicated the government, and that the "throne is thereby vacant." This vote, when carried to the upper houſe, met with great oppoſition; of which it is here neceſſary for us to explain the cauſes.

The tories and the high-church party, finding themſelves at once menaced with a ſubverſion of the laws and of their religion, had zealouſly promoted the national revolt, and had on this occaſion departed from thoſe principles of non-reſiſtance, of which, while the king favoured them, they had formerly made ſuch loud profeſſions. Their preſent apprehenſions had prevailed over their political tenets; and the unfortunate James, who had too much truſted to thoſe general declarations which never will be reduced to practice, found in the

* 22d January.

iſſue,

iſſue, that both parties were ſecretly united againſt him. But no ſooner was the danger paſt, and the general fears ſomewhat allayed, than party prejudices reſumed, in ſome degree, their former authority; and the tories were abaſhed at that victory, which their antagoniſts, during the late tranſactions, had obtained over them. They were inclined, therefore, to ſteer a middle courſe; and, though generally determined to oppoſe the king's return, they reſolved not to conſent to dethroning him, or altering the line of ſucceſſion. A regent with kingly power was the expedient which they propoſed; and a late inſtance in Portugal ſeemed to give ſome authority and precedent to that plan of government.

In favour of this ſcheme the tories urged that, by the uniform tenour of the Engliſh laws, the title to the crown was ever regarded as ſacred, and could, on no account, and by no mal-adminiſtration, be forfeited by the ſovereign: That to dethrone a king and to elect his ſucceſſor, was a practice quite unknown to the conſtitution, and had a tendency to render kingly power entirely dependant and precarious: That where the ſovereign, from his tender years, from lunacy, or from other natural infirmity, was incapacited to hold the reins of government, both the laws and former practice agreed in appointing a regent, who, during the interval, was inveſted with the whole power of the adminiſtration: That the inveterate and dangerous prejudices of king James had rendered him as unfit to ſway the Engliſh ſceptre, as if he had fallen into lunacy; and it was therefore natural for the people to have recourſe to the ſame remedy: That the election of one king was a precedent for the election of another; and the government, by that means, would either degenerate into a republic, or, what was worſe, into a turbulent and ſeditious monarchy: That the caſe was ſtill more dangerous, if there remained a prince, who claimed the crown by right of ſucceſſion, and diſputed, on ſo plauſible a ground, the title of the preſent ſovereign: That though the doctrine of non-reſiſtance might not, in every poſſible circumſtance, be abſolutely true, yet was the belief of

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it very expedient; and to eſtabliſh a government, which ſhould have the contrary principle for its baſis, was to lay a foundation for perpetual revolutions and convulſions: That the appointment of a regent was indeed expoſed to many inconveniencies; but ſo long as the line of ſucceſſion was preſerved entire, there was ſtill a proſpect of putting an end, ſome time or other, to the public diſorders: And that ſcarcely an inſtance occurred in hiſtory, eſpecially in the Engliſh hiſtory, where a diſputed title had not, in the iſſue, been attended with much greater ills, than all which the people had ſought to ſhun, by departing from the lineal ſucceſſor.

The leaders of the whig party, on the other hand, aſſerted, that, if there were any ill in the precedent, that ill would reſult as much from eſtabliſhing a regent, as from dethroning one king, and appointing his ſucceſſor; nor would the one expedient, if wantonly and raſhly embraced by the people, be leſs the ſource of public convulſions than the other: That if the laws gave no expreſs permiſſion to depoſe the ſovereign, neither did they authoriſe reſiſting his authority, or ſeparating the power from the title: That a regent was unknown, except where the king, by reaſon of his tender age or his infirmities, was incapable of a will; and in that caſe, his will was ſuppoſed to be involved in that of the regent: That it would be the height of abſurdity to try a man for acting upon a commiſſion, received from a prince, whom we ourſelves acknowledge to be the lawful ſovereign; and no jury would decide ſo contrary both to law and common ſenſe, as to condemn ſuch a pretended criminal: That even the proſpect of being delivered from this monſtrous inconvenience was, in the preſent ſituation of affairs, more diſtant than that of putting an end to a diſputed ſucceſſion: That allowing the young prince to be the legitimate heir, he had been carried abroad; he would be educated in principles deſtructive of the conſtitution and eſtabliſhed religion; and he would probably leave a ſon, liable to the ſame inſuperable objection: That if the whole line were cut off by law, the people would in time forget or neglect their claim;

claim; an advantage which could not be hoped for, while the adminiſtration was conducted in their name, and while they were ſtill acknowledged to poſſeſs the legal title: And that a nation thus perpetually governed by regents or protectors, approached much nearer to a republic than one ſubject to monarchs, whoſe hereditary regular ſucceſſion, as well as preſent authority, was fixed and appointed by the people.

This queſtion was agitated with great zeal by the oppoſite parties in the houſe of peers. The chief ſpeakers among the tories were Clarendon, Rocheſter, and Nottingham; among the whigs, Halifax and Danby. The queſtion was carried for a king by two voices only, fifty-one againſt forty-nine. All the prelates, except two, the biſhops of London and Briſtol, voted for a regent. The primate, a diſintereſted but puſillanimous man, kept at a diſtance, both from the prince's court and from parliament.

The houſe of peers proceeded next to examine piecemeal the vote ſent up to them by the commons. They debated, "Whether there were an original contract be-"tween king and people?" and the affirmative was carried by fifty-three againſt forty-ſix; a proof that the tories were already loſing ground. The next queſtion was, "Whether king James had broken that original "contract?" and, after a ſlight oppoſition, the affirmative prevailed. The lords proceeded to take into conſideration the word *abdicated*; and it was carried that *deſerted* was more proper. The concluding queſtion was, "Whether king James, having broken the original con-"tract, and *deſerted* the government, the throne was "thereby vacant?" This queſtion was debated with more heat and contention than any of the former; and upon a diviſion, the tories prevailed by eleven voices, and it was carried to omit the laſt article, with regard to the vacancy of the throne. The vote was ſent back to the commons with theſe amendments.

The earl of Danby had entertained the project of beſtowing the crown ſolely upon the princeſs of Orange, and of admitting her as hereditary legal ſucceſſor to king James;

James; paſſing by the infant prince, as illegitimate or ſuppoſititious. His change of party in the laſt queſtion gave the tories ſo conſiderable a majority in the number of voices.

The commons ſtill inſiſted on their own vote, and ſent up reaſons why the lords ſhould depart from their amendments. The lords were not convinced; and it was neceſſary to have a free conference, in order to ſettle this controverſy. Never ſurely was national debate more important, or managed by more able ſpeakers; yet is one ſurpriſed to find the topics inſiſted on by both ſides ſo frivolous; more reſembling the verbal diſputes of the ſchools, than the ſolid reaſonings of ſtateſmen and legiſlators. In public tranſactions of ſuch conſequence, the true motives which produce any meaſure are ſeldom avowed. The whigs, now the ruling party, having united with the tories, in order to bring about the revolution, had ſo much deference for their new allies, as not to inſiſt that the crown ſhould be declared *forfeited*, on account of the king's mal-adminiſtration: Such a declaration, they thought, would imply too expreſs a cenſure of the old tory principles, and too open a preference of their own. They agreed, therefore, to confound together the king's abuſing his power, and his withdrawing from the kingdom; and they called the whole an *abdication*; as if he had given a virtual, though not a verbal, conſent to dethroning himſelf. The tories took advantage of this obvious impropriety, which had been occaſioned merely by the complaiſance or prudence of the whigs; and they inſiſted upon the word *deſertion*, as more ſignificant and intelligible. It was retorted on them, that however that expreſſion might be juſtly applied to the king's withdrawing himſelf, it could not, with any propriety, be extended to his violation of the fundamental laws. And thus both parties, while they warped their principles from regard to their antagoniſts, and from prudential conſiderations, loſt the praiſe of conſiſtence and uniformity.

The managers for the lords next inſiſted, that even allowing the king's abuſe of power to be equivalent to an abdi-

abdication, or, in other words, to a civil death, it could operate no otherwiſe than his voluntary reſignation, or his natural death; and could only make way for the next ſucceſſor. It was a maxim of Engliſh law, *that the throne was never vacant*; but inſtantly, upon the demiſe of one king, was filled with his legal heir, who was entitled to all the authority of his predeceſſor. And however young or unfit for government the ſucceſſor, however unfortunate in his ſituation, though he were even a captive in the hands of public enemies; yet no juſt reaſon, they thought, could be aſſigned why, without any default of his own, he ſhould loſe a crown, to which, by birth, he was fully entitled. The managers for the commons might have oppoſed this reaſoning by many ſpecious and even ſolid arguments. They might have ſaid, that the great ſecurity for allegiance being merely opinion, any ſcheme of ſettlement ſhould be adopted, in which it was moſt probable the people would acquieſce and perſevere: That though, upon the natural death of a king, whoſe adminiſtration had been agreeable to the laws, many and great inconveniencies would be endured, rather than exclude his lineal ſucceſſor; yet the caſe was not the ſame, when the people had been obliged, by their revolt, to dethrone a prince whoſe illegal meaſures had, in every circumſtance, violated the conſtitution: That, in theſe extraordinary revolutions, the government reverted, in ſome degree, to its firſt principles, and the community acquired a right of providing for the public intereſt by expedients which, on other occaſions, might be deemed violent and irregular: That the recent uſe of one extraordinary remedy reconciled the people to the practice of another, and more familiarized their minds to ſuch licences, than if the government had run on in its uſual tenour: And that king James, having carried abroad his ſon, as well as withdrawn himſelf, had given ſuch juſt provocation to the kingdom, had voluntarily involved it in ſuch difficulties, that the intereſts of his family were juſtly ſacrificed to the public ſettlement and tranquillity. Though theſe topics ſeem reaſonable,

they were entirely forborne by the whig managers; both becauſe they implied an acknowledgment of the infant prince's legitimacy, which it was agreed to keep in obſcurity, and becauſe they contained too expreſs a condemnation of tory principles. They were content to maintain the vote of the commons by ſhifts and evaſions; and both ſides parted at laſt without coming to any agreement.

But it was impoſſible for the public to remain long in the preſent ſituation. The perſeverance, therefore, of the lower houſe obliged the lords to comply; and, by the deſertion of ſome peers to the whig party, the vote of the commons, without any alteration, paſſed by a majority of fifteen in the upper houſe, and received the ſanction of every part of the legiſlature which then ſubſiſted.

It happens unluckily for thoſe who maintain an original contract between the magiſtrate and people, that great revolutions of government, and new ſettlements of civil conſtitutions, are commonly conducted with ſuch violence, tumult, and diſorder, that the public voice can ſcarcely ever be heard; and the opinions of the citizens are at that time leſs attended to than even in the common courſe of adminiſtration. The preſent tranſactions in England, it muſt be confeſſed, are a ſingular exception to this obſervation. The new elections had been carried on with great tranquillity and freedom: The prince had ordered the troops to depart from all the towns where the voters aſſembled: A tumultuary petition to the two houſes having been promoted, he took care, though the petition was calculated for his advantage, effectually to ſuppreſs it: He entered into no intrigues, either with the electors or the members: He kept himſelf in a total ſilence, as if he had been nowiſe concerned in theſe tranſactions: And, ſo far from forming cabals with the leaders of parties, he diſdained even to beſtow careſſes on thoſe whoſe aſſiſtance might be uſeful to him. This conduct was highly meritorious, and diſcovered great moderation and magnanimity; even though the prince unfortunately,

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through the whole courſe of his life, and on every occaſion, was noted for an addreſs ſo cold, dry, and diſtant, that it was very difficult for him, on account of any intereſt, to ſoften or familiarize it.

At length, the prince deigned to break ſilence, and to expreſs, though in a private manner, his ſentiments on the preſent ſituation of affairs. He called together Halifax, Shrewſbury, Danby, and a few more; and he told them, that having been invited over to reſtore their liberty, he had engaged in this enterprife, and had at laſt happily effected his purpoſe. That it belonged to the parliament, now choſen and aſſembled with freedom, to concert meaſures for the public ſettlement; and he pretended not to interpoſe in their determinations. That he heard of ſeveral ſchemes propoſed for eſtabliſhing the government: Some inſiſted on a regent; others were deſirous of beſtowing the crown on the princeſs: It was their concern alone to chuſe the plan of adminiſtration moſt agreeable or advantageous to them. That if they judged it proper to ſettle a regent, he had no objection: He only thought it incumbent on him to inform them, that he was determined not to be the regent, nor ever to engage in a ſcheme which, he knew, would be expoſed to ſuch inſuperable difficulties. That no man could have a juſter or deeper ſenſe of the princeſs's merit than he was impreſſed with; but he would rather remain a private perſon than enjoy a crown which muſt depend on the will or life of another. And that they muſt therefore make account, if they were inclined to either of theſe two plans of ſettlement, that it would be totally out of his power to aſſiſt them in carrying it into execution; his affairs abroad were too important to be abandoned for ſo precarious a dignity, or even to allow him ſo much leiſure as would be requiſite to introduce order into their diſjointed government.

Theſe views of the prince were ſeconded by the princeſs herſelf, who, as ſhe poſſeſſed many virtues, was a moſt obſequious wife to a huſband, who, in the judgment of the generality of her ſex, would have appeared ſo little attractive and amiable. All conſiderations were

neglected, when they came in competition with what ſhe deemed her duty to the prince. When Danby and others of her partiſans wrote her an account of their ſchemes and proceedings, ſhe expreſſed great diſpleaſure; and even tranſmitted their letters to her huſband, as a ſacrifice to conjugal fidelity. The princeſs Anne alſo concurred in the ſame plan for the public ſettlement; and being promiſed an ample revenue, was content to be poſtponed in the ſucceſſion to the crown. And as the title of her infant brother was, in the preſent eſtabliſhment, entirely neglected, ſhe might, on the whole, deem herſelf, in point of intereſt, a gainer by this revolution.

The chief parties, therefore, being agreed, the convention paſſed a bill, in which they ſettled the crown on the prince and princeſs of Orange, the ſole adminiſtration to remain in the prince: The princeſs of Denmark to ſucceed after the death of the prince and princeſs of Orange; her poſterity after thoſe of the princeſs, but before thoſe of the prince by any other wife. The convention annexed to this ſettlement of the crown a declaration of rights, where all the points which had, of late years, been diſputed between the king and people, were finally determined; and the powers of royal prerogative were more narrowly circumſcribed and more exactly defined, than in any former period of the Engliſh government.

THUS have we ſeen, through the whole courſe of four reigns, a continual ſtruggle maintained between the crown and the people: Privilege and prerogative were ever at variance: And both parties, beſide the preſent object of diſpute, had many latent claims, which, on a favourable occaſion, they produced againſt their adverſaries. Governments too ſteady and uniform, as they are ſeldom free, ſo are they, in the judgment of ſome, attended with another ſenſible inconvenience: They abate the active powers of men; depreſs courage, invention, and genius; and produce an univerſal lethargy in the people.

people. Though this opinion may be juſt, the fluctuation and conteſt, it muſt be allowed, of the Engliſh government were, during theſe reigns, much too violent both for the repoſe and ſafety of the people. Foreign affairs, at that time, were either entirely neglected, or managed to pernicious purpoſes: And in the domeſtic adminiſtration there was felt a continued fever, either ſecret or manifeſt; ſometimes the moſt furious convulſions and diſorders. The Revolution forms a new epoch in the conſtitution; and was probably attended with conſequences more advantageous to the people, than barely freeing them from an exceptionable adminiſtration. By deciding many important queſtions in favour of liberty, and ſtill more, by that great precedent of depoſing one king, and eſtabliſhing a new family, it gave ſuch an aſcendant to popular principles, as has put the nature of the Engliſh conſtitution beyond all controverſy. And it may juſtly be affirmed, without any danger of exaggeration, that we, in this iſland, have ever ſince enjoyed, if not the beſt ſyſtem of government, at leaſt the moſt entire ſyſtem of liberty, that ever was known amongſt mankind.

To decry with ſuch violence, as is affected by ſome, the whole line of Stuart; to maintain, that their adminiſtration was one continued encroachment on the *inconteſtable* rights of the people; is not giving due honour to that great event, which not only put a period to their hereditary ſucceſſion, but made a new ſettlement of the whole conſtitution. The inconveniencies ſuffered by the people under the two firſt reigns of that family (for in the main they were fortunate), proceeded in a great meaſure from the unavoidable ſituation of affairs; and ſcarcely any thing could have prevented thoſe events, but ſuch vigour of genius in the ſovereign, attended with ſuch good fortune, as might have enabled him entirely to overpower the liberties of his people. While the parliaments, in thoſe reigns, were taking advantage of the neceſſities of the prince, and attempting every ſeſſion to aboliſh, or circumſcribe, or define, ſome prerogative of the crown, and innovate in the uſual tenour of govern-

ment; what could be expected, but that the prince would exert himſelf in defending, againſt ſuch inveterate enemies, an authority which, during the moſt regular courſe of the former Engliſh government, had been exerciſed without diſpute or controverſy? And though Charles II. in 1672, may with reaſon be deemed the aggreſſor, nor is it poſſible to juſtify his conduct; yet were there ſome motives, ſurely, which could engage a prince ſo ſoft and indolent, and at the ſame time ſo judicious, to attempt ſuch hazardous enterpriſes. He felt, that public affairs had reached a ſituation at which they could not poſſibly remain without ſome farther innovation. Frequent parliaments were become almoſt abſolutely neceſſary to the conducting of public buſineſs; yet theſe aſſemblies were ſtill, in the judgment of the royaliſts, much inferior in dignity to the ſovereign, whom they ſeemed better calculated to counſel than control. The crown ſtill poſſeſſed conſiderable power of oppoſing parliaments; and had not as yet acquired the means of influencing them. Hence a continual jealouſy between theſe parts of the legiſlature: Hence the inclination mutually to take advantage of each other's neceſſities: Hence the impoſſibility, under which the king lay, of finding miniſters, who could at once be ſerviceable and faithful to him. If he followed his own choice in appointing his ſervants, without regard to their parliamentary intereſt, a refractory ſeſſion was inſtantly to be expected: If he choſe them from among the leaders of popular aſſemblies, they either loſt their influence with the people, by adhering to the crown, or they betrayed the crown, in order to preſerve their influence. Neither Hambden, whom Charles I. was willing to gain at any price; nor Shafteſbury, whom Charles II. after the popiſh plot, attempted to engage in his counſels, would renounce their popularity for the precarious, and, as they eſteemed it, deceitful favour of the prince. The root of their authority they ſtill thought to lie in the parliament; and as the power of that aſſembly was not yet uncontrollable, they ſtill reſolved to augment it, though at the expenſe of the royal prerogatives.

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It is no wonder that these events have long, by the representations of faction, been extremely clouded and obscured. No man has yet arisen, who has paid an entire regard to truth, and has dared to expose her, without covering or disguise, to the eyes of the prejudiced public. Even that party amongst us, which boasts of the highest regard to liberty, has not possessed sufficient liberty of thought in this particular; nor has been able to decide impartially of their own merit, compared with that of their antagonists. More noble perhaps in their ends, and highly beneficial to mankind; they must also be allowed to have often been less justifiable in the means, and in many of their enterprises to have payed more regard to political than to moral considerations. Obliged to court the favour of the populace, they found it necessary to comply with their rage and folly; and have even, on many occasions, by propagating calumnies, and by promoting violence, served to infatuate, as well as corrupt that people, to whom they made a tender of liberty and justice. Charles I. was a tyrant, a papist, and a contriver of the Irish massacre: The church of England was relapsing fast into idolatry: Puritanism was the only true religion, and the covenant the favourite object of heavenly regard. Through these delusions, the party proceeded, and, what may seem wonderful, still to the increase of law and liberty; till they reached the imposture of the popish plot, a fiction which exceeds the ordinary bounds of vulgar credulity. But however singular these events may appear, there is really nothing altogether new in any period of modern history: And it is remarkable, that tribunitian arts, though sometimes useful in a free constitution, have usually been such as men of probity and honour could not bring themselves either to practise or approve. The other faction, which, since the revolution, has been obliged to cultivate popularity, sometimes found it necessary to employ like artifices.

The Whig party, for a course of near seventy years, has, almost without interruption, enjoyed the whole authority of government; and no honours or offices could be

be obtained but by their countenance and protection. But this event, which, in ſome particulars, has been advantageous to the ſtate, has proved deſtructive to the truth of hiſtory, and has eſtabliſhed many groſs falſehoods, which it is unaccountable how any civilized nation could have embraced with regard to its domeſtic occurrences. Compoſitions the moſt deſpicable, both for ſtyle and matter, have been extolled, and propagated, and read; as if they had equalled the moſt celebrated remains of antiquity *. And forgetting that a regard to liberty, though a laudable paſſion, ought commonly to be ſubordinate to a reverence for eſtabliſhed government, the prevailing faction has celebrated only the partiſans of the former, who purſued as their object the perfection of civil ſociety, and has extolled them at the expenſe of their antagoniſts, who maintained thoſe maxims that are eſſential to its very exiſtence. But extremes of all kinds are to be avoided; and though no one will ever pleaſe either faction by moderate opinions, it is there we are moſt likely to meet with truth and certainty.

We ſhall ſubjoin to this general view of the Engliſh government, ſome account of the ſtate of the finances, arms, trade, manners, arts, betweeen the reſtoration and revolution.

The revenue of Charles II. as ſettled by the long parliament, was put upon a very bad footing. It was too ſmall, if they intended to make him independent in the common courſe of his adminiſtration: It was too large, and ſettled during too long a period, if they reſolved to keep him in entire dependance. The great debts of the republic, which were thrown upon that prince; the neceſſity of ſupplying the naval and military ſtores, which were entirely exhauſted; that of repairing and furniſhing his palaces: All theſe cauſes involved the king in great difficulties immediately after his reſtoration; and the parliament was not ſufficiently liberal in ſupplying him. Perhaps too he had contracted ſome debts abroad; and his bounty to the diſtreſſed cavaliers, though it did

* Such as Rapin Thoyras, Locke, Sidney, Hoadley, &c.

not

not correſpond either to their ſervices or expectations, could not fail, in ſome degree, to exhauſt his treaſury. The extraordinary ſums granted the king during the firſt years, did not ſuffice for theſe extraordinary expenſes; and the exciſe and cuſtoms, the only conſtant revenue, amounted not to nine hundred thouſand pounds a-year, and fell much ſhort of the ordinary burdens of government. The addition of hearth-money in 1662, and of other two branches in 1669 and 1670, brought up the revenue to one million three hundred fifty-eight thouſand pounds, as we learn from lord Danby's account: But the ſame authority informs us, that the yearly expenſe of government was at that time one million three hundred eighty-ſeven thouſand ſeven hundred and ſeventy pounds *; without mentioning contingencies, which are always conſiderable, even under the moſt prudent adminiſtration. Thoſe branches of revenue, granted in 1669 and 1670, expired in 1680, and were never renewed by parliament: They were computed to be above two hundred thouſand pounds a-year. It muſt be allowed, becauſe aſſerted by all cotemporary authors of both parties, and even confeſſed by himſelf, that king Charles was ſomewhat profuſe and negligent. But it is likewiſe certain, that a very rigid frugality was requiſite to ſupport the government under ſuch difficulties. It is a familiar rule in all buſineſs, that every man ſhould be payed in proportion to the truſt repoſed in him, and to the power which he enjoys; and the nation ſoon found reaſon, from Charles's dangerous connexions with France, to repent their departure from that prudential maxim. Indeed, could the parliaments in the reign of Charles I. have been induced to relinquiſh ſo far their old habits, as to grant that prince the ſame revenue which was voted to his ſucceſſor, or had thoſe in the reign of Charles II.

* We learn from that lord's Memoirs, p. 12. that the receipts of the Exchequer, during ſix years, from 1673 to 1679, were about eight millions two hundred thouſand pounds, or one million three hundred ſixty-ſix thouſand pounds a-year. See likewiſe, p. 169.

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conferred on him as large a revenue as was enjoyed by his brother, all the diſorders in both reigns might eaſily have been prevented, and probably all reaſonable conceſſions to liberty might peaceably have been obtained from both monarchs. But theſe aſſemblies, unacquainted with public buſineſs, and often actuated by faction and fanaticiſm, could never be made ſenſible, but too late and by fatal experience, of the inceſſant change of times and ſituations. The French ambaſſador informs his court, that Charles was very well ſatisfied with his ſhare of power, could the parliament have been induced to make him tolerably eaſy in his revenue.

If we eſtimate the ordinary revenue of Charles II. at one million two hundred thouſand pounds a-year during his whole reign, the whole computation will rather exceed than fall below the true value. The convention parliament, after all the ſums which they had granted the king towards the payment of old debts, threw, the laſt day of their meeting, a debt upon him amounting to one million ſeven hundred forty-three thouſand two hundred ſixty-three pounds. All the extraordinary ſums which were afterwards voted him by parliament, amounted to eleven millions four hundred forty-three thouſand four hundred and ſeven pounds; which, divided by twenty-four, the number of years which that king reigned, make four hundred ſeventy-ſix thouſand eight hundred and eight pounds a-year. During that time, he had two violent wars to ſuſtain with the Dutch; and in 1678, he made expenſive preparations for a war with France. In the firſt Dutch war, both France and Denmark were allies to the United Provinces, and the naval armaments in England were very great: So that it is impoſſible he could have ſecreted any part, at leaſt any conſiderable part, of the ſums which were then voted him by parliament.

To theſe ſums we muſt add about one million two hundred thouſand pounds, which had been detained from the bankers on ſhutting up the Exchequer in 1672. The king payed ſix per cent. for this money during the reſt of his reign. It is remarkable, that notwithſtanding

ing this violent breach of faith, the king, two years after, borrowed money at eight per cent.; the ſame rate of intereſt which he had payed before that event. A proof that public credit, inſtead of being of ſo delicate a nature as we are apt to imagine, is, in reality, ſo hardy and robuſt, that it is very difficult to deſtroy it.

The revenue of James was raiſed by the parliament to about one million eight hundred and fifty thouſand pounds; and his income, as duke of York, being added, made the whole amount to two millions a-year; a ſum well proportioned to the public neceſſities, but enjoyed by him in too independent a manner. The national debt at the revolution amounted to one million fifty-four thouſand nine hundred twenty-five pounds.

The militia fell much to decay during theſe two reigns, partly by the policy of the kings, who had entertained a diffidence of their ſubjects, partly by that ill-judged law which limited the king's power of muſtering and arraying them. In the beginning, however, of Charles's reign, the militia was ſtill deemed formidable. De Wit having propoſed to the French king an invaſion of England during the firſt Dutch war, that monarch replied, that ſuch an attempt would be entirely fruitleſs, and would tend only to unite the Engliſh. In a few days, ſaid he, after our landing, there will be fifty thouſand men at leaſt upon us.

Charles, in the beginning of his reign, had in pay near five thouſand men, of guards and garriſons. At the end of his reign he augmented this number to near eight thouſand. James, on Monmouth's rebellion, had on foot about fifteen thouſand men; and when the prince of Orange invaded him, there were no fewer than thirty thouſand regular troops in England.

The Engliſh navy, during the greater part of Charles's reign, made a conſiderable figure, for number of ſhips, valour of the men, and conduct of the commanders. Even in 1678, the fleet conſiſted of eighty-three ſhips; beſides thirty, which were at that time on the ſtocks. On the king's reſtoration he found only ſixty-three veſſels

of

of all ſizes. During the latter part of Charles's reign, the navy fell ſomewhat to decay, by reaſon of the narrowneſs of the king's revenue: But James, ſoon after his acceſſion, reſtored it to its former power and glory; and before he left the throne, carried it much farther. The adminiſtration of the admiralty under Pepys is ſtill regarded as a model for order and economy. The fleet at the revolution conſiſted of one hundred ſeventy-three veſſels of all ſizes; and required forty-two thouſand ſeamen to man it. That king, when duke of York, had been the firſt inventor of ſea-ſignals. The military genius, during theſe two reigns, had not totally decayed among the young nobility. Dorſet, Mulgrave, Rocheſter, not to mention Oſſory, ſerved on board the fleet, and were preſent in the moſt furious engagements againſt the Dutch.

The commerce and riches of England did never, during any period, increaſe ſo faſt as from the reſtoration to the revolution. The two Dutch wars, by diſturbing the trade of that republic, promoted the navigation of this iſland; and after Charles had made a ſeparate peace with the States, his ſubjects enjoyed, unmoleſted, the trade of Europe. The only diſturbance which they met with, was from a few French privateers who infeſted the channel; and Charles interpoſed not in behalf of his ſubjects with ſufficient ſpirit and vigour. The recovery or conqueſt of New York and the Jerſeys was a conſiderable acceſſion to the ſtrength and ſecurity of the Engliſh colonies; and, together with the ſettlement of Pennſylvania and Carolina, which was effected during that reign, extended the Engliſh empire in America. The perſecutions of the diſſenters, or, more properly ſpeaking, the reſtraints impoſed upon them, contributed to augment and people theſe colonies. Dr. Davenant affirms, that the ſhipping of England more than doubled during theſe twenty-eight years. Several new manufactures were eſtabliſhed; in iron, braſs, ſilk, hats, glaſs, paper, &c. One Brewer, leaving the Low Countries, when they were threatened with a French conqueſt, brought the art of dying woollen cloth into England,

and by that improvement ſaved the nation great ſums of money. The increaſe of coinage during theſe two reigns was ten millions two hundred ſixty-one thouſand pounds. A board of trade was erected in 1670; and the earl of Sandwich was made preſident. Charles revived and ſupported the charter of the Eaſt-India company; a meaſure whoſe utility is by ſome thought doubtful: He granted a charter to the Hudſon's Bay company; a meaſure probably hurtful.

We learn from ſir Joſiah Child, that in 1688 there were on the Change more men worth 10,000 pounds than there were in 1650 worth a thouſand; that 500 pounds with a daughter was, in the latter period, deemed a larger portion than 2000 in the former; that gentlewomen, in thoſe earlier times, thought themſelves well clothed in a ſerge gown, which a chambermaid would, in 1688, be aſhamed to be ſeen in; and that, beſides the great increaſe of rich clothes, plate, jewels, and houſehold furniture, coaches were in that time augmented a hundred fold.

The duke of Buckingham introduced from Venice the manufacture of glaſs and cryſtal into England. Prince Rupert was alſo an encourager of uſeful arts and manufactures: He himſelf was the inventor of etching.

The firſt law for erecting turnpikes was paſſed in 1662: The places of the turnpikes were Wadeſmill, Caxton, and Stilton: But the general and great improvement of highways took not place till the reign of George II.

In 1663, was paſſed the firſt law for allowing the exportation of foreign coin and bullion.

In 1667 was concluded the firſt American treaty between England and Spain: This treaty was made more general and complete in 1670. The two ſtates then renounced all right of trading with each other's colonies; and the title of England was acknowledged to all the territories in America, of which ſhe was then poſſeſſed.

The French king, about the beginning of Charles's reign, laid ſome impoſitions on Engliſh commodities: And the Engliſh, partly diſpleaſed with this innovation, partly moved by their animoſity againſt France, retaliated, by laying ſuch reſtraints on the commerce with that kingdom as amounted almoſt to a prohibition. They formed calculations, by which they perſuaded themſelves that they were loſers a million and a half, or near two millions a-year, by the French trade. But no good effects were found to reſult from theſe reſtraints; and in king James's reign they were taken off by parliament.

Lord Clarendon tells us, that, in 1665, when money, in conſequence of a treaty, was to be remitted to the biſhop of Munſter, it was found, that the whole trade of England could not ſupply above 1000 pounds a-month to Frankfort and Cologne, nor above 20,000 pounds a-month to Hamburgh: Theſe ſums appear ſurpriſingly ſmall.

At the ſame time that the boroughs of England were deprived of their privileges, a like attempt was made on the colonies. King James recalled the charters, by which their liberties were ſecured; and he ſent over governors inveſted with abſolute power. The arbitrary principles of that monarch appear in every part of his adminiſtration.

The people, during theſe two reigns, were, in a great meaſure, cured of that wild fanaticiſm, by which they had formerly been ſo much agitated. Whatever new vices they might acquire, it may be queſtioned, whether, by this change, they were, in the main, much loſers in point of morals. By the example of Charles II. and the cavaliers, licentiouſneſs and debauchery became prevalent in the nation. The pleaſures of the table were much purſued. Love was treated more as an appetite than a paſſion. The one ſex began to abate of the national character of chaſtity, without being able to inſpire the other with ſentiment or delicacy.

The abuſes in the former age, ariſing from overſtrained pretenſions to piety, had much propagated the ſpirit of irreligion;

irreligion; and many of the ingenious men of this period lie under the imputation of deiſm. Beſides wits and ſcholars by profeſſion, Shafteſbury, Halifax, Buckingham, Mulgrave, Sunderland, Eſſex, Rocheſter, Sidney, Temple, are ſuppoſed to have adopted theſe principles.

The ſame factions, which formerly diſtracted the nation, were revived, and exerted themſelves in the moſt ungenerous and unmanly enterpriſes againſt each other. King Charles being in his whole deportment a model of eaſy and gentleman-like behaviour, improved the politeneſs of the nation; as much as faction, which of all things is moſt deſtructive to that virtue, could poſſibly permit. His courtiers were long diſtinguiſhable in England by their obliging and agreeable manners.

Till the revolution, the liberty of the preſs was very imperfectly enjoyed in England, and during a very ſhort period. The ſtar-chamber, while that court ſubſiſted, put effectual reſtraints upon printing. On the ſuppreſſion of that tribunal in 1641, the long parliament, after their rupture with the king, aſſumed the ſame power with regard to the licenſing of books; and this authority was continued during all the period of the republic and protectorſhip. Two years after the reſtoration, an act was paſſed, reviving the republican ordinances. This act expired in 1679; but was revived in the firſt of king James. The liberty of the preſs did not even commence with the revolution. It was not till 1694, that the reſtraints were taken off; to the great diſpleaſure of the king and his miniſters, who, ſeeing no-where, in any government, during preſent or paſt ages, any example of ſuch unlimited freedom, doubted much of its ſalutary effects, and probably thought, that no books or writings would ever ſo much improve the general underſtanding of men, as to render it ſafe to entruſt them with an indulgence ſo eaſily abuſed.

In 1677, the old law for burning heretics was repealed; a prudent meaſure, while the nation was in continual dread of the return of popery.

Amidſt the thick cloud of bigotry and ignorance, which overſpread the nation, during the commonwealth and protectorſhip, there were a few ſedate philoſophers, who, in the retirement of Oxford, cultivated their reaſon, and eſtabliſhed conferences for the mutual communication of their diſcoveries in phyſics and geometry. Wilkins, a clergyman, who had married Cromwel's ſiſter, and was afterwards biſhop of Cheſter, promoted theſe philoſophical converſations. Immediately after the reſtoration, theſe men procured a patent, and having enlarged their number, were denominated the *Royal Society*. But this patent was all they obtained from the king. Though Charles was a lover of the ſciences, particularly chemiſtry and mechanics; he animated them by his example alone, not by his bounty. His craving courtiers and miſtreſſes, by whom he was perpetually ſurrounded, engroſſed all his expenſe, and left him neither money nor attention for literary merit. His contemporary, Lewis, who fell ſhort of the king's genius and knowledge in this particular, much exceeded him in liberality. Beſides penſions conferred on learned men throughout all Europe, his academies were directed by rules and ſupported by ſalaries: A generoſity which does great honour to his memory; and, in the eyes of all the ingenious part of mankind, will be eſteemed an atonement for many of the errors of his reign. We may be ſurpriſed, that this example ſhould not be more followed by princes; ſince it is certain that that bounty, ſo extenſive, ſo beneficial, and ſo much celebrated, coſt not this monarch ſo great a ſum as is often conferred on one uſeleſs overgrown favourite or courtier.

But though the French academy of ſciences was directed, encouraged, and ſupported by the ſovereign, there aroſe in England ſome men of ſuperior genius who were more than ſufficient to caſt the balance, and who drew on themſelves and on their native country the regard and attention of Europe. Beſides Wilkins, Wren, Wallis, eminent mathematicians, Hooke, an accurate obſerver by microſcopes, and Sydenham, the reſtorer of true

true phyſic; there flouriſhed during this period a Boyle and a Newton; men who trod with cautious, and therefore the more ſecure ſteps, the only road which leads to true philoſophy.

Boyle improved the pneumatic engine invented by Otto Guericke, and was thereby enabled to make ſeveral new and curious experiments on the air, as well as on other bodies: His chemiſtry is much admired by thoſe who are acquainted with that art: His hydroſtatics contain a greater mixture of reaſoning and invention with experiment than any other of his works; but his reaſoning is ſtill remote from that boldneſs and temerity which had led aſtray ſo many philoſophers. Boyle was a great partiſan of the mechanical philoſophy; a theory which, by diſcovering ſome of the ſecrets of nature, and allowing us to imagine the reſt, is ſo agreeable to the natural vanity and curioſity of men. He died in 1691, aged 65.

In Newton this iſland may boaſt of having produced the greateſt and rareſt genius that ever roſe for the ornament and inſtruction of the ſpecies. Cautious in admitting no principles but ſuch as were founded on experiment; but reſolute to adopt every ſuch principle, however new or unuſual: From modeſty, ignorant of his ſuperiority above the reſt of mankind; and thence, leſs careful to accommodate his reaſonings to common apprehenſions: More anxious to merit than acquire fame: He was, from theſe cauſes, long unknown to the world; but his reputation at laſt broke out with a luſtre, which ſcarcely any writer, during his own lifetime, had ever before attained. While Newton ſeemed to draw off the veil from ſome of the myſteries of nature, he ſhewed at the ſame time the imperfections of the mechanical philoſophy; and thereby reſtored her ultimate ſecrets to that obſcurity in which they ever did and ever will remain. He died in 1727, aged 85.

This age was far from being ſo favourable to polite literature as to the ſciences. Charles, though fond of wit, though poſſeſſed himſelf of a conſiderable ſhare of it, though his taſte in converſation ſeems to have been ſound and juſt; ſerved rather to corrupt than improve the poetry

and eloquence of his time. When the theatres were opened at the reſtoration, and freedom was again given to pleaſantry and ingenuity; men, after ſo long an abſtinence, fed on theſe delicacies with leſs taſte than avidity, and the coarſeſt and moſt irregular ſpecies of wit was received by the court as well as by the people. The productions repreſented at that time on the ſtage, were ſuch monſters of extravagance and folly; ſo utterly deſtitute of all reaſon or even common ſenſe; that they would be the diſgrace of Engliſh literature, had not the nation made atonement for its former admiration of them, by the total oblivion to which they are now condemned. The duke of Buckingham's Rehearſal, which expoſed theſe wild productions, ſeems to be a piece of ridicule carried to exceſs; yet in reality the copy ſcarcely equals ſome of the abſurdities which we meet with in the originals *.

This ſevere ſatire, together with the good ſenſe of the nation, corrected, after ſome time, the extravagancies of the faſhionable wit; but the productions of literature ſtill wanted much of that correctneſs and delicacy which we ſo much admire in the ancients, and in the French writers, their judicious imitators. It was indeed during this period chiefly, that that nation left the Engliſh behind them in the productions of poetry, eloquence, hiſtory, and other branches of polite letters; and acquired a ſuperiority, which the efforts of Engliſh writers, during the ſubſequent age, did more ſucceſsfully conteſt with them. The arts and ſciences were imported from Italy into this iſland as early as into France; and made at firſt more ſenſible advances. Spenſer, Shakeſpeare, Bacon, Johnſon, were ſuperior to their cotemporaries, who flouriſhed in that kingdom. Milton, Waller, Denham, Cowley, Harvey, were at leaſt equal to their cotemporaries. The reign of Charles II. which ſome prepoſterouſly repreſent as our Auguſtan age, retarded the progreſs of polite literature in this iſland; and it was then

* The duke of Buckingham died on the 16th of April 1688.

found,

found, that the immeaſurable licentiouſneſs, indulged or rather applauded at court, was more deſtructive to the refined arts, than even the cant, nonſenſe, and enthuſiaſm of the preceding period.

Moſt of the celebrated writers of this age remain monuments of genius, perverted by indecency and bad taſte; and none more than Dryden, both by reaſon of the greatneſs of his talents, and the groſs abuſe which he made of them. His plays, excepting a few ſcenes, are utterly disfigured by vice or folly, or both. His tranſlations appear too much the offspring of haſte and hunger: Even his fables are ill-choſen tales, conveyed in an incorrect, though ſpirited verſification. Yet, amidſt this great number of looſe productions, the refuſe of our language, there are found ſome ſmall pieces, his Ode to St. Cecilia, the greater part of Abſalom and Achitophel, and a few more, which diſcover ſo great genius, ſuch richneſs of expreſſion, ſuch pomp and variety of numbers, that they leave us equally full of regret and indignation, on account of the inferiority or rather great abſurdity of his other writings. He died in 1701, aged 69.

The very name of Rocheſter is offenſive to modeſt ears; yet does his poetry diſcover ſuch energy of ſtyle and ſuch poignancy of ſatire, as give ground to imagine what ſo fine a genius, had he fallen in a more happy age, and had followed better models, was capable of producing. The ancient ſatiriſts often uſed great liberties in their expreſſions; but their freedom no more reſembles the licentiouſneſs of Rocheſter, than the nakedneſs of an Indian does that of a common proſtitute.

Wycherley was ambitious of the reputation of wit and libertiniſm; and he attained it: He was probably capable of reaching the fame of true comedy, and inſtructive ridicule. Otway had a genius finely turned to the pathetic; but he neither obſerves ſtrictly the rules of the drama, nor the rules, ſtill more eſſential, of propriety and decorum. By one ſingle piece, the duke of Buckingham did both great ſervice to his age, and honour to himſelf. The earls of Mulgrave, Dorſet, and Roſcommon, wrote

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in a good taſte; but their productions are either feeble or careleſs. The marquis of Halifax diſcovers a refined genius; and nothing but leiſure and an inferior ſtation ſeems wanting to have procured him eminence in literature.

Of all the conſiderable writers of this age, ſir William Temple is almoſt the only one that kept himſelf altogether unpolluted by that inundation of vice and licentiouſneſs which overwhelmed the nation. The ſtyle of this author, though extremely negligent, and even infected with foreign idioms, is agreeable and intereſting. That mixture of vanity which appears in his works, is rather a recommendation to them. By means of it, we enter into acquaintance with the character of the author, full of honour and humanity; and fancy that we are engaged, not in the peruſal of a book, but in converſation with a companion. He died in 1698, aged 70.

Though Hudibras was publiſhed, and probably compoſed, during the reign of Charles II., Butler may juſtly, as well as Milton, be thought to belong to the foregoing period. No compoſition abounds ſo much as Hudibras in ſtrokes of juſt and inimitable wit; yet are there many performances which give us as great or greater entertainment on the whole peruſal. The alluſions in Butler are often dark and far-fetched; and though ſcarcely any author was ever able to expreſs his thoughts in ſo few words, he often employs too many thoughts on one ſubject, and thereby becomes prolix after an unuſual manner. It is ſurpriſing how much erudition Butler has introduced with ſo good a grace into a work of pleaſantry and humour: Hudibras is perhaps one of the moſt learned compoſitions that is to be found in any language. The advantage which the royal cauſe received from this poem, in expoſing the fanaticiſm and falſe pretences of the former parliamentary party, was prodigious. The king himſelf had ſo good a taſte as to be highly pleaſed with the merit of the work, and had even got a great part of it by heart: Yet was he either ſo careleſs in his temper, or ſo little endowed with the virtue of liberality, or, more properly ſpeaking, of gratitude, that he allowed

lowed the author, a man of virtue and probity, to live in obſcurity and die in want *. Dryden is an inſtance of a negligence of the ſame kind. His Abſalom ſenſibly contributed to the victory which the tories obtained over the whigs, after the excluſion of parliaments: Yet could not this merit, aided by his great genius, procure him an eſtabliſhment which might exempt him from the neceſſity of writing for bread. Otway, though a profeſſed royaliſt, could not even procure bread by his writings; and he had the ſingular fate of dying literally of hunger. Theſe incidents throw a great ſtain on the memory of Charles, who had diſcernment, loved genius, was liberal of money, but attained not the praiſe of true generoſity.

* Butler died in 1680, aged 68.

7 M1 63

NOTES

TO THE

TENTH VOLUME.

NOTE [A], p. 131.

THE following paſſage is an extract from M. Barillon's letters kept in the *Depôt de Affaires étrangeres* at Verſailles. It was lately communicated to the author while in France. Convention verbale arretée le 1 Avril 1681. Charles II. s'engage a ne rien omettre pour pouvoir faire connoître à ſa majeſté qu'elle avoit raiſon de prendre confiance en lui; a ſe degager peu à peu de l'alliance avec l'Eſpagne, & a ſe mettre en état de ne point être contraint par ſon parlement de faire quelque choſe d'oppoſé aux nouveaux engagemens qu'il prenoit. En conſequence, le roi promet un ſubſide de deux millions la premiere des trois années de cet engagement & 500,000 écus les deux autres, ſe contentant de la parole de ſa majeſté Britannique, d'agir à l'égard de ſa majeſté conformement aux obligations qu'il lui avoit. Le Sr. Hyde demanda que le roi s'engagea a ne point attaquer les Pays Bas & même Straſbourg, temoignent que le roi ſon maître ne pourroit s'empêcher de ſecourir les Pays Bas, quand même ſon parlement ne ſeroit point aſſemblé. M. Barillon lui répondit en termes généraux par ordre du roi, que ſa majeſté n'avoit point intention de rompre la paix, & qu'il n'engageroit pas ſa majeſté Britannique en choſe contraires à ſes veritables intérêts.

NOTE [B], p. 167.

IT is remarkable, that the convention, ſummoned by the prince of Orange, did not, even when they had the making

making of their own terms in *the declaration of rights*, venture to condemn the diſpenſing power in general, which had been uniformly exerciſed by the former kings of England. They only condemned it ſo far, *as it had been aſſumed and exerciſed of late*, without being able to tell wherein the difference lay. But in the *bill of rights*, which paſſed about a twelvemonth after, the parliament took care to ſecure themſelves more effectually againſt a branch of prerogative, incompatible with all legal liberty and limitations; and they excluded, in poſitive terms, all diſpenſing power in the crown. Yet even then the houſe of lords rejected that clauſe of the bill, which condemned the exerciſe of this power in former kings, and obliged the commons to reſt content with aboliſhing it for the future. There needs no other proof of the irregular nature of the old Engliſh government than the exiſtence of ſuch a prerogative, always exerciſed and never queſtioned, till the acquiſition of real liberty diſcovered, at laſt, the danger of it. See the Journals.

NOTE [C], p. 184.

THE words of the petition were: That the great averſeneſs found in themſelves to their diſtributing and publiſhing in all their churches your majeſty's late declaration for liberty of conſcience, proceeds neither from any want of duty and obedience to your majeſty (our holy mother the church of England, being both in her principles and her conſtant practice unqueſtionably loyal, and having to her great honour been more than once publicly acknowledged to be ſo by your gracious majeſty), nor yet from any want of tenderneſs to diſſenters, in relation to whom we are willing to come to ſuch a temper as ſhall be thought fit, when the matter ſhall be conſidered and ſettled in parliament and convocation. But among many other conſiderations, from this eſpecially, becauſe that declaration is founded upon ſuch a diſpenſing power as hath been often declared illegal in parliament, and particularly in the years 1662 and 1672, and

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in the beginning of your majeſty's reign, and is a matter of ſo great moment and conſequence to the whole nation both in church and ſtate, that your petitioners cannot in prudence, honour, or conſcience, ſo far make themſelves parties to it as a diſtribution of it all over the nation, and the ſolemn publication of it once and again, even in God's houſe, and in the time of divine ſervice, muſt amount to in common and reaſonable conſtruction.

7 MA 63

GENERAL INDEX.

N. B. The Roman Numerals direct to the Volume, and the Figures to the Page.

A

ABBEYS, their rich revenues and hoſpitality, v. 97.

Abbot, archbiſhop, ſuſpended and confined, vii. 278. Employed by the lords to moderate the pretenſions of the commons, 299.

Abhorrers. See *Petitioners*.

Acre, in Paleſtine, beſieged by the Chriſtians, ii. 152. Taken, 154. The garriſon butchered, 160.

Admirals, lord high, Chancellors, Secretaries of State, and Treaſurers, in the reign of James I. vii. 217, 218. In the reign of Charles I. viii. 363.

Adrian, emperor, builds his famous rampart, i. 29.

Adrian III. his motives for granting Ireland to Henry II. ii. 102.

Adrian VI. his conduct toward the reformers, iv. 314.

Adultery, compoſition for, among the Saxons, i. 210.

Agitators, choſen, viii. 306. Send Joyce to ſeize the king, 307. Their meetings forbid, 325. Diſorders committed by them, ix. 13. Are ſuppreſſed, *ib.*

Agriculture, bad ſtate of, in the time of Henry VIII. v. 179. State of, during the reign of James I. vii. 246.

Aix la Chapelle, treaty of, ix. 251.

Alaſco, a Poliſh nobleman, turns proteſtant preacher, and takes refuge in England, v. 237. Leaves England, 263.

Albany, duke of, aſſumes the adminiſtration of Scotland, iii. 300.

———, duke of, invited to accept the regency of Scotland, iv. 285. Prejudiced againſt Hume, 286. Hume makes war againſt him, and is put to death, 287. His ſubſequent proceedings, *ib.* 317. 319.

Albemarle, earl of, foments a rebellion of the barons againſt Henry III. ii. 271. Excommunicated, 272. Pardoned, *ib.*

———, general Monk created duke of, ix. 175. Procures the condemnation of Argyle, 190. Engages the

Dutch admiral for four days, 227. His death and character, 278, *note*.

Albigenſes, a cruſade againſt them publiſhed by Innocent III. ii. 198. Exterminated, *ib*.

Alcuin, ſent by Offa to Charlemagne, and becomes his preceptor, i. 63.

Alderman and Earl, ſynonymous in the Saxon laws, i. 290.

Ale, its price in the reign of Henry III. ii. 333.

Alexander II. pope, his motives for declaring in favour of the Norman invaſion, i. 179. 239.

——— III. pope, abject honours paid to, by the kings of France and England, ii. 65. His honourable reception of Becket, 84. Canonizes him, 99.

Alfred, his life and reign, i. 81—104. His character, 96. His children, 104.

——— a Saxon nobleman, his fate, i. 107.

Alfric, duke of Mercia, his infamous character, i. 132. 141.

Algiers compelled to peace by Blake, ix. 90.

Allen, John, made judge of Wolſey's court, iv. 295. Convicted of iniquity, *ib*.

Alliance, triple, formed againſt Lewis XIV. ix. 250.

Alliſon, his proſecution in the ſtar-chamber, viii. 25.

Allodial and feudal poſſeſſions, difference between, ii. 230, 231.

Altar removed into the middle of the church, vi. 131.

Alva, duke of, plans a maſſacre of the French proteſtants, vi. 81. See *Hugonots*, and *Medicis*. Enters into a negociation for an inſurrection in England, 140. His character and cruelties, 166, 167. Attempts to diſturb the Engliſh government, 168. Revolt of Holland and Zealand, 185. Condemns the prince of Orange as a rebel, *ib*. His cruelty at Harlem, 186. Finally repulſed at Alcmaer, *ib*. Boaſts of his infamous conduct, *ib*.

Amboyna, cruelties practiſed by the Dutch there, vii. 243.

Amerciaments, arbitrary manner of impoſing, ii. 256.

America, when firſt diſcovered, iv. 247. Claims made by the European nations to their diſcoveries in, vii. 166. Colonies eſtabliſhed there, 244.

Ancram, battle of, v. 154.

Angles, who, and where ſettled in Britain, i. 39. 42.

Angleſey, the Druids deſtroyed there, i. 27.

Anglo-Norman government, the executive and judicial power of, ii. 245. The crown revenue, 248. Tallages, *ib.*

Angus, earl of, marries Margaret, widow of James IV. of Scotland, iv. 285. She gets a divorce from him, v. 44. Joins the Engliſh, 136. Returns to Scotland, 139. Commands the van at the battle of Pinkey, 202.

Anjou, duke of, defeats and kills the prince of Condé, vi. 160. Defeats Coligni, 162. Propoſed as a huſband to Elizabeth, 163. Becomes king of France, *ib.* See *Henry* III. of France.

—— duke of, account of his projected marriage with queen Elizabeth, vi. 205—211.

Annates, an act paſſed againſt levying, v. 31.

Anne, queen of Richard II. her ineffectual ſuit in favour of ſir S. Burley, iii. 254.

—— princeſs, lady of Beaujeu, governs France in the minority of Charles VIII. iv. 186. Motives of her embaſſy to Henry VII. 188.

—— of Cleves, is ſent over to be married to Henry VIII. v. 113. Henry diſguſted with her, *ib.* Married by him, 115. Divorced, 119. Her inſenſibility, 120.

—— lady, daughter of James duke of York, married to prince George of Denmark, x. 129. Deſerts to the prince of Orange, 208. Declared ſucceſſor to the crown on failure of the iſſue of her ſiſter Mary, 228.

Anſelm, made archbiſhop of Canterbury, i. 278. Oppoſes the violences of the king, 279. Preaches ſucceſsfully againſt the then faſhionable modes of dreſs, *ib.* Retires to Rome, and his temporalities confiſcated, 280. Recalled by Henry I. ii. 10. Refuſes homage to him, 11. Acquires the king's confidence, 13. Retires to Rome, and his revenues again confiſcated, 20. Compromiſe with, *ib* 24.

Ancient hiſtory, cauſes of the uncertainty of, i. 23. 36.

Antwerp, revolt of the proteſtants there, vi 166.

Appeals, from inferior to ſuperior courts, how appointed by Alfred, i. 99. From the barons courts, how regulated, ii. 332. To Rome, forbid, v. 31. From chancery to the houſe of peers, vii. 180, *note*.

Apprentices of London petition the long parliament, viii. 171.

Archangel, a paſſage to, diſcovered, vii. 73.

Arcemboldi, a Genoeſe biſhop, farms the ſale of indulgences in Saxony, iv. 309. See *Indulgences* and *Luther*.

Archy, the king's fool, why he loſt his place, viii. 33.
Argyle, earl of, forms the *Congregation of the Lord*, vi. 21. Enters into a conſpiracy againſt Mary, 78. Flies into England, 79. Reconciled to the queen, 85.
———, earl of, his character, viii. 53. Subſcribes to the covenant, *ib.* Deſerts his army, 273. Refuſes any intimacy with Charles II. on his arrival in Scotland, ix. 30. Submits to the commonwealth, 49. Tried and executed, 190.
———, earl of, ſee *Lorn*. Again condemned for leaſing-making, x. 98. Engages in Monmouth's conſpiracy, 112. Invades Scotland, 157. Executed, 158.
Arians, two burnt in the reign of James I. vii. 224.
Arlington, Bennet earl of, made ſecretary of ſtate, ix. 212. One of the *cabal* miniſtry, 270. His character, 271.
Armada, the invincible, hiſtory of, vi. 285. 290—295.
Armies, ſtanding, firſt riſe of, iv. 247. When introduced into England, ix. 184. Number of ſtanding forces from the reſtoration to the revolution, x. 235.
Arminianiſm, perſecuted in the United Provinces, vii. 135. Reflections on the opinions of, 227. Attacked by the commons, 319.
Arms, coats of, when firſt introduced, ii. 173.
Army, feudal, its diſadvantages, iii. 32. Becomes diſuſed in favour of a mercenary one, *ib.*
——, parliamentary, firſt raiſed, viii. 184. See *Eſſex*, *Fairfax*, *Manchester*, &c. Mutiny of, viii. 304. Forms a military parliament, 306. Seizes the king, 307. Chuſes Cromwel general, 308. Negotiates with the parliament, 313. Accuſes the preſbyterian leaders in parliament of high treaſon, 314. The ſpeakers of the two houſes implore its protection, 318. Reinſtates the ſpeakers, 319. Schemes of, for ſettling the nation, 324. Reduced to obedience by Cromwel, 325. For its future operations, ſee *Cromwel*. Diſbanded at the reſtoration, ix. 179.
Arran, James earl of, his pretenſions to the adminiſtration of Scotland, v. 139. Contracts the infant queen to prince Edward of England, 140. Renounces the reformed religion, 146. Refuſes to concur in the execution of Wiſhart, 194. Battle at Pinkey, 200. Obtains a penſion from France, and is created duke of Chatelrault, 207. See *Chatelrault*.

Arran, James Stuart of Ochiltree, made earl of, vi. 213. Recalled to court, 218. His tyrannical conduct, 219. Degraded, and deprived of his title and eſtate, 220.

Arras, congreſs at, iv. 36.

Array, commiſſions of, iſſued by Charles I. viii. 182.

Arteville, a brewer at Ghent, heads the populace againſt the nobility, iii. 144. His death, 180.

Arthur, prince of the Silures, is the prince ſo celebrated by the Britiſh bards, i. 41.

———, grandſon of Henry II. inveſted in the dutchy of Britanny, ii. 129. Declared ſucceſſor by Richard I. 175. Protected and educated by Philip of France, 176. Commits hoſtilities againſt his uncle John, 180. Taken priſoner, 181. Murdered, *ib.*

———, prince, eldeſt ſon of Henry VII. born, iv. 175. Married to Catharine of Arragon, 230. Dies, *ib.*

Articles, ſix, the law of, v. 106. Proſecutions on this act, 111. Rigorouſly enforced, 122. Mitigations of this law, 131. 149. The ſtatute repealed, 203.

———, lords of. See *Lords*.

Artillery, reflections on the effects of, in war, iii. 176. Firſt uſed at the battle of Crecy, *ib.* When firſt uſed at ſieges, iv. 17.

Artois, Robert de, ſtimulates Edward III. to aſſert his pretenſions to the crown of France, iii. 142. Joins Edward in his invaſion, 151. Killed, 166.

Arts, advantages of cultivating in ſociety, iv. 243. State of, during the reign of Charles I. ix. 167.

Aſcham, envoy from the Engliſh commonwealth to Madrid, murdered there by baniſhed royaliſts, ix. 87.

Aſcue, Anne, tortured for denying the real preſence, v. 161. Burnt, *ib.*

Aſhley, lord, one of the *cabal* miniſtry, his character, ix. 270. Made earl of Shafteſbury. See *Shafteſbury*.

Aſke, Mr. his inſurrection againſt Henry VIII. called the *Pilgrimage of Grace*, v. 87—89. Executed, 90.

Aſſaſſins, origin of the term, their prince, and his dangerous authority and principles, ii. 157.

Aſſembly, general, of the church of Scotland, addreſſes queen Mary on occaſion of a riot, vi. 47. Exhorts Mary to change her religion, 77. Summoned by James, 213. Votes any ſettlement between James and his mother a moſt wicked undertaking, 214. Submits to the king's authority, and admits

admits the juriſdiction of biſhops, vii. 162. Admits the ceremonies enjoined by the king, 163. One ſummoned under the influence of the covenanters, viii. 50. Aboliſhes epiſcopacy, 51. Conceſſions obtained of the king, 58. Meets by their own authority, 226. Concurs in delivering up the king to the Engliſh parliament, viii. 300

Aſſembly of divines at Weſtminſter, new regulation of religion by, viii. 259. Votes the divine right of preſbytery, 291. Its power reſtricted by parliament, *ib.*

Aſtley, lord, general for Charles I. defeated, viii. 287.

Athelſtan, natural ſon of Edward the elder, his reign and character, i. 107—111.

Athelwold, favourite of Edgar, his treacherous behaviour in the affair of Elfrida, i. 124—126

Atherton-moor, battle of, viii. 222.

Audley, lord, heads an inſurrection againſt Henry VII. iv. 220. Defeated and executed, 222.

Augmentation, court of, its origin, v. 68.

Auguſtine, ſent to preach chriſtianity in Britain, i. 49. Favourably received, *ib.* His character and ſucceſs, 50. Caſes of conſcience propoſed by, to the pope, 51. Created archbiſhop of Canterbury, 52.

Ayſcue, admiral, reduces the Engliſh colonies in America, ix. 47. Engages de Ruyter, 55. His ſhip taken, 229.

Azincour, battle of, iii. 321. Compared with thoſe of Crecy and Poictiers, *ib.* 323.

B

BABINGTON, A. his character, vi. 243. Engages in the ſervice of Mary queen of Scots, *ib.* Conſpires againſt Elizabeth, 245. He and his aſſociates executed, 248

Bacon, ſir Nicholas, made lord keeper, vi. 6. A ſolemn religious diſputation held before him, 12.

——, lord, remarks on his account of Perkin Warbec, iv. 349. His ſpeech againſt purveyance, vi. 366. Diſplays the undutiful expreſſions in Eſſex's letters, vii. 19. The former friendly patronage afforded him by Eſſex, 21. His officious aſſiſtance at the trial of Eſſex, 31. Preſerves Hayward, an author, from the indignation of Elizabeth, by his pleaſantry, 55. His ſpeech in favour of an union between England and Scotland, 121, 122. Attempts to procure an eſtabliſhment for the cultivation of natural philoſophy, 228. Took bribes while chancellor, 178. Impeached, fined, and

and committed to the Tower, 179. His writings, and character, *ib.* Conſidered as a philoſopher and writer, 251.

Badleſmere, lord, inſults Iſabella, queen to Edward II. iii. 102. Taken, tried, and executed, 104.

Bajadox, marquis of, and viceroy of Peru, burnt on board a galleon, ix. 93.

Baillie, of Jerviſwood, his trial and execution, x. 128.

Bainham, James, burnt for hereſy, v. 52.

Baliol, John, his pretenſions to the crown of Scotland, iii. 17. Recognizes the king of England's ſuperiority, 24. Edward decides in his favour, 26. Swears fealty and is put in poſſeſſion of the kingdom, *ib.* Incenſed by the uſurpations of Edward, 27. Sets him at defiance, 45. Swears fealty, and ſubmits, 46. Carried priſoner to London, 47. Dies in a private ſtation, *ib.* His character and conduct, 73.

——, Edward, ſon of John, the occaſion of his renewing his father's pretenſions, iii. 132. Invades Scotland, 134. Crowned at Scone, 135. Routed, and flies to England, 136. Reſtored by Edward III. 137. Reſigns his pretenſions to Edward, and lives retired, 194.

Ballard, John, comes to England to concert an aſſaſſination of Elizabeth, vi. 243. See *Babington*.

Bangor, the monks and monaſtery of, deſtroyed, i. 55.

Bannockburn, battle of, iii. 96.

Banqueting-houſe, at Whitehall, when built, vii. 233.

Barbadoes, when planted by the Engliſh, vii. 246.

Barebone, Praiſe-God, the parliament denominated from him, ix. 69. Origin of the appellation, 70, *note*.

Barnard, lecturer of St. Sepulchre's, prays for the queen's converſion, and is reproved by the high commiſſion, viii. 18.

Barnes, Dr. procures Lambert to be accuſed for denying the real preſence, v. 103. Is himſelf burnt, 122.

Barnet, battle of, iv. 111.

Barons, of England, the firſt indications of a regular aſſociation and plan of liberty among them, ii. 178. Their ſituation and diſcontents under John, 207. Exhorted by cardinal Langton to inſiſt on a renewal of the charter of liberties, 208. Confederate for that purpoſe, 209. Make a formal demand of the renewal from John, *ib.* Appeal to the pope, 210. Their demands, 212. Chuſe Fitzwalter for their general, *ib.* Commence hoſtilities, *ib.*

Obtain

Obtain the great charter, 213. Heads of this charter, *ib.* Remarks upon it, 216. John makes farther conceſſions, 218. The charter annulled by the pope, 220. Langton refuſes to publiſh the pope's bull of excommunication againſt the barons, *ib.* They offer the kingdom to Lewis, ſon of Philip of France, 222. Diſguſted at Lewis's behaviour, 223. Their conteſt ſuſpended by the death of John, 224. Origin of their power, and nature of military ſervice, 228. Their civil offices, 233. Their power over their vaſſals, 235. Power and nature of their courts, *ib.* 241. Their uſual way of life, 235. Their importance in parliament, 239. Exerciſed a kind of ſovereign authority, 258. Obtain a new charter of liberties from Henry III. 265. And a charter of foreſts, 266. Recovered from their foreign alliance by Pembroke, 267. Conclude a peace with him, 270. Commotions on the death of Pembroke, 271. Confederate againſt Hubert de Burgh, 274—278; and the biſhop of Wincheſter, 279. Confederate with Mountfort, earl of Leiceſter, 296. Aſſemble in parliament dreſſed in armour, 297. A ſupreme council of twenty-four choſen by, 298. Their regulations, 299. The people jealous of this council, 301. The knights of ſhires appeal to prince Edward againſt them, 302. The pope d ſinclined toward them, 305. He abſolves Henry and the nation from their oath to them, 306. Levy war on the king, 310. Mutual hoſtilities, 314. Defeat Henry at Lewes, and take him priſoner, 316. Another appeal to arbitration, 317. Are ill treated by Leiceſter, 318 Their army defeated at Eveſham, and Leiceſter killed, 325. Prohibited to appear in parliament without being ſummoned by writ, iii. 35. Diſtinctions among them, *ib.* The two charters confirmed, 55. Obtain a limitation of foreſts, 56. Obtain a full, free, and final confirmation of the two charters, 57. Allowed to entail their eſtates, 81. Diſguſted at Piers Gavaſton, 87. A confederacy of, againſt Gavaſton, 88. Seize Gavaſton, and put him to death, 93. Inſiſt on a renewal of the ordinances, 98. Combine to ruin the Deſpenſers, 100. Cauſes of their diſcontents, *ib.* Obtain a ſentence of forfeiture and exile againſt the Deſpenſers, 102. Join the invaſion of Iſabella, 108. Murder Deſpenſer, the father, 110. Diſcontented with Richard II. 247. Ancient and modern nobility, their ways of life contraſted, iv. 243.

Baronet,

Baronet, that title ſold to ſupply James I. with money, vii. 147.

Barton, Eliz. the *holy maid of Kent*, her hiſtory, v. 54—56.

Baſtardy, diſputes concerning, ii. 331. Memorable reply of the nobility to the prelates on this occaſion, 332.

Baſtwick, and Burton, cruelly ſentenced by the ſtar-chamber, viii. 28. Their ſentence reverſed, 83.

Battle, trial by, allowed to be evaded, ii. 123.

Battle-abbey, founded by William the Conqueror, i. 223.

Beaton, cardinal, accuſed of forging the will of James V. v. 139. Obtains poſſeſſion of the government, *ib.* Confined by Arran, 140. Cabals againſt Arran, *ib.* Endeavours to occaſion a rupture between the two crowns, 141. Wiſhart executed for hereſy, 194. Aſſaſſinated, *ib.* His murderers protected by Henry VIII. 196.

Beauchamp of Holt, lord, condemned for treaſon, iii. 253. Was the firſt peer created by patent, 287.

Beauvais, biſhop of, taken priſoner in battle, ii. 169. His coat of mail ſarcaſtically ſent to the pope, who claimed him, *ib.* Set at liberty, 176.

Becket. See *Thomas* à Becket.

Bedford, duke of, brother to Henry V. left regent of France, iii. 335. Appointed guardian of England, during the minority of Henry VI. iv. 4. His character, *ib.* Conſiderations on which he formed his conduct in France, 6. His great ſucceſſes over the French, *ib.* Reconciles Gloceſter and the biſhop of Wincheſter, *ib.* Situation of affairs in France at his return, 14. His prudent conduct on the ſucceſſes of Joan D'Arc, 59. His ſupplies fail, *ib.* His prudent caution in avoiding an action, 30. Henry VI. crowned at Paris, *ib.* His cruel proſecution of Joan D'Arc, 31. Bad ſituation of the Engliſh affairs in France, 34. Agrees to a congreſs at Arras, 36. Dies, 37.

——— earl of, ſent by the parliament againſt the marquis of Hertford, viii. 194. Deſerts to the king, 217.

Bedloe, his character, x. 18. His narrative of Godfrey's murder, and the popiſh plot, 19.

Bell, a puritan, makes a motion againſt a monopoly, vi. 153. Severely reprimanded in council, 155.

Benedictines, an Italian order of monks, deſcribed, i. 114.

Benefices, how they came into the hands of laymen, v. 97.

Benevolences, levied by Henry VII. iv. 200. The power of levying eſtabliſhed, 214. See *Loans*.

Bentivoglio, his remark on the Engliſh government, viii. 353.
Berkley, judge, is ſeized upon the bench, viii. 85.
Berkſtead, one of the king's judges, executed, ix. 201.
Bermudas, when firſt ſettled by the Engliſh, vii. 245.
Bernard, St. engages ſeveral Engliſh in a cruſade, ii. 52.
Bernicia, the Saxon kingdom of. See *Northumberland*.
Bertha, her zeal for propagating Chriſtianity, i. 47.
Berwick taken by aſſault by Edward I. iii. 45.
Bible, a tranſlation of, made by Tindal the reformer, v. 51. Biſhop Tonſtal's artifice to enable Tindal to make a more correct tranſlation, *ib.* Debates in convocation concerning a tranſlation for the uſe of the people, 69. A tranſlation finiſhed and printed at Paris, 71. Single copies only allowed to be chained in ſome churches, with reſtrictions as to reading it, 91. Granted to every family, 111. The uſe of it prohibited to the lower claſſes of the people, 133.
Bilney, a prieſt, embraces the reformation, v. 53. Burnt, *ib.*
Biſhops, Engliſh, ſubſcribe the conſtitutions of Clarendon, ii. 76. Their oppoſition to the pope's levies for the cruſade againſt Sicily, ii. 289. Forced to ſubmit, *ib.* Their election appointed to be by *congé d'elire*, v. 40. Take out new commiſſions from the crown, 41. Kindly received by Elizabeth, excepting Bonner, vi. 4. Diſguſted at her ſteps toward reſtoring the proteſtant religion, and refuſe officiating at the coronation, 8. The nomination of, annexed to the crown, 12. Degraded, 15. Begin to be ſlighted in parliamentary proceedings, viii. 94. Impeached by the commons, ſequeſtered from parliament, and confined, *ib.* The bill againſt their votes paſſed, 173. Epiſcopal authority aboliſhed, viii. 290. The ſurvivors re-admitted to their ſees at the reſtoration, ix. 185. Reſtored to their ſeats in parliament, 194. How excluded from ſitting in the houſe of lords, on capital trials, x. 4c. Four catholic biſhops conſecrated, 178. Six, with the primate, committed to the Tower, 184. Tried, 185. Acquitted, 186.
Biſhoprics, ſix new ones erected by Henry VIII. v. 97.
Black, miniſter of St. Andrew's, his opinion of kings, and manner of praying for the queen, vii. 161.
—— book of the exchequer, its origin, iii. 33, *note*.
Blackheath, battle of, iv. 222.
Blake, admiral, his riſe and abilities in the navy, ix. 46. Purſues prince Rupert's fleet, *ib.* Quarrels with Tromp in Dover road, 53. Engages Tromp, 54. Falls upon the

Dutch herring buſſes, 55. Defeats de Witte and de Ruyter, *ib.* Worſted by Tromp and de Ruyter, 56. Defeats Tromp, 56. 73. Seizes a ſquadron of French ſhips, 86. His ſucceſſes in the Mediterranean, 90. The Spaniſh galleons taken and deſtroyed, 93. Burns a Spaniſh fleet at Santa Cruz, *ib.* His death and character, 94.

Blood, the circulation of, when and by whom diſcovered, ix. 172.

—— ſeizes Ormond, with intent to hang him at Tyburn, ix. 280. His deſign of ſeizing the regalia, 281. Obtains the king's pardon, with the grant of an eſtate, 282.

Blore-heath, battle of, iv. 73.

Boadicea, her ſucceſſes againſt the Romans, i. 27. Defeated, *ib.*

Bocher, Joan, or Joan of Kent, her hiſtory, v. 218.

Bohemia, the king of, killed at the battle of Crecy, iii. 179. His creſt and motto aſſumed by prince Edward, 180. The reformed religion oppreſſed there, 182.

Boleyn, lady Anne, her character and family, v. 5. Attracts the notice of Henry VIII. 6. Inclines towards the reformation, 24. Married to Henry, 34. Birth of the princeſs Elizabeth, 36. Favours the reformers, 49. Brought to bed of a dead ſon, and loſes Henry's affections, 72. The king's jealouſy, *ib.* Calumniated by lady Rochford, *ib.* Committed to the Tower, 74. Her letter to the king, 327. Tried, 75. Condemned, 76. Her marriage annulled, *ib.* Reaſon given by the parliament for annulling her marriage, 79, *note.* Is executed, 77. Reflections on her fate, 78. Attainted, and the princeſs Elizabeth illegitimated, 79.

Bombay, the fort of, yielded to Charles II. ix. 200.

Boniface VIII. pope, his character, iii. 49. His award between Philip of France and Edward I. 59. Writes to Edward to engage him to deſiſt from his attempts againſt Scotland, 68.

Bonner, made biſhop of Hereford, v. 102. Firſt oppoſes, but afterwards acquieſces in the ſteps toward reformation, 190. Deprived, and confined, 217. Releaſed by Mary, 260. Employed by Gardiner to perſecute the reformers, 292. Degrades Cranmer, 306. Ill received by Elizabeth, vi. 4.

Books, heretical, a proclamation iſſued againſt, v. 297.

Booth, ſir G. enters into a conſpiracy to reſtore Charles II. ix. 132. Taken priſoner, 133. Set at liberty, 149.

Boroughs, why ſo dependant on great men, among the Saxons, i. 197. Their ſtate at the Norman conqueſt, ii. 241. Repreſentatives of, firſt ſent to parliament, 321. See *Corporations*.
Borough-bridge, battle of, iii. 103.
Boſcobel, Charles II. ſecreted there, ix. 40.
Boſworth field, battle of, iv. 111.
Bothwell, earl of, diſtinguiſhes himſelf againſt the *Congregation of the Lord*, vi. 30. Becomes the favourite of Mary, 86. A character of him, 914 Suſpected of murdering the king, 93. Charged with the murder, *ib.* Tried and acquitted, 94. Recommended by the nobility as a huſband for Mary, 95. Seizes the queen, by concert with her, to oblige her to marry him, 96. Divorced from his former wife, 97. Made duke of Orkney, 98. See *Orkney*.
——— bridge, battle of, x. 51.
Boulogne, ſiege of, by Henry VII. iv. 203. Taken by Henry VIII. v. 152. Surrendered to the French, 233.
Bourbon, duke of, conſtable of France, his character, iv. 323. Revolts, and enters into the emperor's ſervice, 321. Battle of Pavia, 330. Attacks Rome, and is killed in ſcaling the walls, 340.
Boyle, his improvements in natural philoſophy, x. 241.
Brabançons, account of theſe banditti, ii. 113.
Bradoc-down, battle of, viii. 206
Bradſhaw, appointed preſident of the court for the trial of Charles I. viii. 248. His reply to the king's objections to the authority of the court, 351. Sentences the king, *ib.* Named one of the council of ſtate, ix. 6.
Brandon, ſir Charles. See *Suffolk*.
Braouſe, William de, fate of his wife and ſon, ii. 197.
Breaa, aſſize of, in the 35th of Henry III. ii. 333.
Breda, negotiations there, between Charles II. and the Scots commiſſioners, ix. 19. Treaty of peace there, 235.
Brehon law in Ireland, explained, vii. 136. Aboliſhed, 137.
Bretigni, treaty of, iii. 207.
Bribery, the firſt inſtance of, being practiſed toward members of parliament, v. 277. A bribe given to a mayor for an election, with the probable reaſon for it, vi. 158. *note*.
Briſtol, when firſt erected into a biſhopric, v. 97. Beſieged and taken by prince Rupert, viii. 211.
———, Digby, earl of, negotiates the Spaniſh match, vii. 192. Diſgraced, 211, Impeached, and in return impeaches Buckingham, 269.

Briſtol, earl of, impeaches Clarendon, ix. 212.
Britain, by whom firſt peopled, i. 22. 28. Manners and government of, previous to the landing of Cæſar, 22. Religion, 23. Invaded by Cæſar, 25. Caractacus defeated, 26. Boadicea defeated, 27. Its ſubjection effected by Agricola, 28. Abandoned by the Romans, 30. Haraſſed by the Picts and Scots, *ib.* Aſſiſted by the Romans, 31. Third application to Rome for aſſiſtance ineffectual, 32. Conjectures as to their civil government, when left by the Romans, 33. Invite the Saxons, 34. Subjected by them, 37. Some of them take refuge, and ſettle in Britanny, 38. Conſequences of their being over-run by the Saxons, 43. See *England*.
Britanny, by whom ſettled, i. 38. For Arthur duke of, ſee *Arthur*. The Britons chuſe Alice for their ſovereign, ii. 182. Conteſts between Charles de Blois, and the count de Mountford, for the poſſeſſion of, iii. 162. State of, at the time of Henry VII. iv. 186. Cauſe of their domeſtic diſſenſions, 196. Annexed to France by marriage, 199.
——, duke of, accedes to the treaty of Troye, iv. 6. Withdraws from the Engliſh intereſt, 14. Created conſtable of France, *ib.* Forced to renounce his new alliance, 15.
——, Francis II. duke of, his character, iv. 186. Protects Lewis duke of Orleans, 187. Obliged to fly, 188. His anſwer to the offer of mediation by Henry VII. 191. His fortune ruined, and his death, 193.
——, Anne, dutcheſs of, marries the king of France, iv. 199. The dutchy annexed to France by this marriage, *ib.*
Broke, lord, a parliament general, his death, viii. 204.
Brook-houſe committee, inquiry into their conduct towards Charles II. ix. 266. 278.
Brounker, inquiry into his conduct, in the engagement between the duke of York and Opdam, ix. 221.
Bruce, Robert, his claim to the crown of Scotland, iii. 17. Acknowledges the claim of Edward I. as ſuperior lord of Scotland, 24. His claim rejected by Edward, 26. Countenances the revolt of Wallace, 63.
Bruce, Robert, the younger, ſerves in the Engliſh army, at the battle of Falkirk, iii. 66. Gained over to the Scots intereſt by Wallace, 67. Succeeds to his father's pretenſions to the crown, 72. Betrayed by Cummin, 74. Routs the Engliſh, and is crowned at Scone, 77. Acknowledged by the whole country, 94. Defeats Edward at Bannockburn, 96. Concludes a truce with him, 105. Invades England,

124. Dies, and is ſucceeded by his ſon David. See *David.*

Bruce, David, ſucceeds his father, iii. 132. Diſturbed by the pretenſions of Baliol, *ib.* Sent to France 135. Recalled, 182. Invades England, *ib.* Taken priſoner, *ib.* Recovers his liberty, 201.

Buchan, earl of, made conſtable of France, iii. 334. Defeated and killed, iv. 11.

Buchanan, G. aſſiſts in the hearing the cauſe of Mary queen of Scots, before the Engliſh commiſſioners, vi 116.

Buckingham, duke of, harangues the people in favour of Gloceſter's pretenſions to the crown, iv. 137. Offers the crown to him as a popular tender, 138. His pedigree and family connexions, 140. Created conſtable, 141. Forms ſchemes againſt Richard, *ib.* Raiſes forces, 146. Tried and executed, *ib.*

————, duke of, offends Wolſey, iv. 304. Tried and executed, *ib.* Was the laſt who enjoyed the office of conſtable, 305.

————, George Villiers, created duke of, vii. 154. His character, 195. Perſuades prince Charles to a journey to Madrid, 196. His behaviour odious to the Spaniards, 202. Determines to break off the treaty of marriage, *ib.* Miſrepreſents the affair to parliament, 205. Cabals with the puritans, 207. Remarks on his character, 257. Impeached, 269. Choſen chancellor of Cambridge, 270. Makes love to the queen of France, 284. Rivalled by cardinal Richlieu, 285. Determines to engage England in a war with France, *ib.* Commands a fleet ſent to aſſiſt the Rochellers, 286. Aſſaſſinated by Felton, 307. Remarks on his Spaniſh negotiation, 356.

————, Villiers duke of, one of the *cabal* miniſtry, ix. 270. His character, 271. Examined at the bar of the houſe of commons, 319. Diſmiſſed from the miniſtry, 328. Favours the intrigues of France, and receives bribes, 381. Introduces the manufacture of glaſs, x. 237. Character of his Rehearſal, 242.

Burdet, Tho. cruel execution of, iv. 122.

Burgeſſes of corporations, firſt ſummoned to parliament, ii. 321. Principles that operated to their forming one body of the legiſlature, with the repreſentatives of counties, iii. 42.

Burgundy, John duke of, diſputes the adminiſtration with the duke of Orleans, iii. 315. Cauſes him to be aſſaſſinated, *ib.*

Expelled

Expelled France, and ſolicits the aid of England, 320. His treaty with Henry V. and ſecret one with the Dauphin, 327. Aſſaſſinated, 328.

Burgundy, Philip duke of, treats with Henry V. iii. 330. Review of his conduct, iv. 6. Marries his ſiſter to the duke of Bedford, *ib.* His quarrels with the duke of Gloceſter, 12. Detaches himſelf from the Engliſh intereſt, 15. His alliance with Bedford renewed, 29 Takes Joan D'Arc priſoner, 31. Differs with Bedford, 35. Makes his peace with Charles, 37. Beſieges Calais, 39. Concludes a truce with the Engliſh, 42.

———, Charles duke of, makes an alliance with Edward IV. iv. 96. Marries Edward's ſiſter, *ib.* Aſſiſts him covertly after his expulſion, 108. Renews the alliance, 114. His death and character, 120.

———, Margaret dutcheſs of, her character, iv. 180. Sends forces to the aſſiſtance of Lambert Simnel, 181. Raiſes up the impoſture of Perkin Warbec, 205. Her public reception of him, 207.

Burleigh, Cecil lord, diſcovers to Elizabeth the duke of Norfolk's conſpiracy vi. 170. Made treaſurer, 206. His vigilance and artifices in detecting conſpiracies, 220. His death and character, 337. Propoſed a general loan, vii. 58. And other ſchemes for exacting money, 60. His magnificent hoſpitality, 81.

Burley, ſir Simon, ſhort hiſtory of, iii. 253.

Burton. See *Baſtwick*.

Butler, a character of his Hudibras, x. 244.

C

CABAL, character of that miniſtry, ix. 270. Remarks on their ſchemes, 320. Concert a plan for reſtoring popery, 379.

Cabot, Sebaſtian, diſcovers Newfoundland, iv. 248.

Cade, John, his inſurrection, iv. 60.

Cadiz taken and plundered, vi. 326.

Caen taken and plundered by Edward III. iii. 172.

Cæſar, Julius, invades Britain i. 25

Calais beſieged by Edward III. iii. 180. Queen Philippa intercedes for the inhabitants, 185. The town peopled with Engliſh, *ib.* Great expenſe of maintaining the place, 340. Taken by the duke of Guiſe, v. 311.

Caledonia unſubdued by the Romans, i. 28. See *Scotland*.

Cambray, league of, againſt the Venetians, iv. 256.

Cambridge univerſity, by whom founded, i. 60. Trinity college, when founded, v. 179. The vice-chancellor of, why ſuſpended, x. 181.

Campbell accuſes Hamilton of hereſy, and inſults him at the ſtake, v. 124. His extraordinary death, *ib.*

Campe, peace of, v. 158.

Campeggio, cardinal, appointed to try the marriage of Henry VIII. with Catherine of Arragon, v. 11. Deprived of his Engliſh biſhopric, 40.

Campion, a Jeſuit, executed, vi. 204.

Cannon, when firſt applied with ſucceſs in ſieges, iv. 17.

Canon law, a commiſſion to frame a body of, v. 232.

Canterbury, diſputes concerning the election of ſeveral archbiſhops, ii. 190. 284. The chapter lands ſeized, v. 131. Archbiſhops of, during the reign of James I. vii. 217. And of Charles I. viii. 363.

Canute ſucceeds to the crown of England, i. 147. His piety to the church, 150. Expoſes the flattery of his courtiers, *ib.* His ſons, 151.

Cape of Good Hope, firſt diſcovered, iv. 247.

Capel, ſir W. fined by Henry VII. iv. 213. Committed to the Tower, 238.

Capet, Hugh, ſtate of France at his acceſſion, ii. 56. 58.

Caractacus defeated by the Romans, i. 26.

Carliſle taken from Charles I. by the Scots, viii. 284.

Carolina, when ſettled, x. 236.

Carre, Robert, how introduced to James I. vii. 140. Made viſcount Rocheſter, 142. Contracts a friendſhip with Overbury, *ib.* and a familiarity with lady Eſſex, 144. Marries her, and is created earl of Somerſet, 146. See *Somerſet*.

Carte, remarks on his account of the firſt formation of the houſe of commons, iii. 42. 347. His notion of the nature of the homage of the kings of Scotland to thoſe of England examined, 342. Examination of his account of Warbec, iv. 348.

Caſtile, Peter king of, his hiſtory and that of his brother Henry, iii. 212—219. Hiſtory of the kingdom of, iv. 185. 234. 237.

Caſtles of the nobility, their miſchievous effects, ii. 47. Number of, in the reign of Henry III. ii. 274.

Caſtlemain, earl of, accuſed of an intention to aſſaſſinate the king, x. 60. Sent ambaſſador to the pope, 117.

Cateau Cambresis, peace of, vi. 16.

Catherine, princess of France, married to Henry V. iii. 332. Marries, after the king's death, sir Owen Tudor, 337. See *Tudor*.

——— of Arragon, married to prince Arthur of England, iv. 230. Then to prince Henry, afterwards Henry VIII. 231. Henry's scruples concerning the marriage, v. 4. Her behaviour at the trial, 13. Her appeal received at Rome, 33. Her marriage declared null, 35. Her death, and letter to Henry, 61.

——— princess of Portugal, married to Charles II. ix. 199. Accused of being concerned in the popish plot, x. 23.

Catholics. See *Reformation*, *Protestants*, *Heresy*, &c.

Cavaliers, the appellation explained, viii. 162.

Cavendish, sir T. his voyage round the world, vi. 281.

Cecil, sir William, committed to the Tower, v. 229. Made secretary of state by Elizabeth, vi. 6. Encourages her to re-establish the protestant religion, *ib.* 131, *note*, 134. His advice to Elizabeth, on Mary taking refuge in England, 111. His great influence over Elizabeth, 136. Created lord Burleigh, 170. See *Burleigh*.

Cecil, sir Robert, made secretary of state, vi. 330. Created earl of Salisbury, vii. 90. See *Salisbury*.

Celibacy, political motives of enforcing, on the Romish clergy, i. 114. Synods called to establish it, 253. ii. 24.

Chair, sedan, the first seen in England, vii. 229.

Chamberlain, Tho. executed for robbing the fair at Boston in Lincolnshire, iii. 13.

Chancellor of England, the nature of his office in the time of Henry II. ii. 67. See *Admirals*.

Chapter lands seized by Henry VIII. v. 130.

Charlemagne forms an alliance with Offa, king of Mercia, i. 63. His cruelty to the pagans in Germany, 77.

Charles, prince, second son of James I. becomes prince of Wales, vii. 139. A marriage with the second daughter of Spain proposed for him, 171. Goes to Spain to visit the Infanta, 199. His reception, *ib.* Persuaded by Buckingham to oppose the marriage, 203. A marriage with the princess Henrietta of France proposed, 213. Death of his father, 216. *See the next article.*

——— I. summons a parliament on his accession, vii. 255. Cause of a small supply voted by the commons, 257. Character of Buckingham, and his great influence over him, *ib.* Entertains high ideas of monarchical power, 260. Why refused

refuſed ſupplies, 262. His moderation towards the catholics, 264. Diſſolves the parliament, 266. Iſſues privy ſeals for borrowing money, *ib.* Second parliament, *ib.* His reflections on the proceedings of the commons, 273. Diſſolves the parliament, 274. Publiſhes a declaration, 275. Refuſed a loan by the city, *ib.* Levies ſhip-money, 277. Reſolves to levy a general loan, *ib.* Impriſons thoſe who refuſe compliance, 279. War with France, 283. Third parliament, 288. His threatening addreſs to it, 289. Paſſes the petition of right, 300. 302. His behaviour on Buckingham's aſſaſſination, 308. Levies tonnage and poundage, 312. His religious ſentiments, 317. Diſputes concerning tonnage and poundage, 319. Diſſolves the parliament, *ib.* Impriſons ſome of the members, *ib.* His domeſtic character, xviii. 6. Promotes the popular leaders, 8. Strafford and Laud, 8, 9. Levies money irregularly, 16. Monopolies, 19 Edict for recreations on Sunday, 21. Goes to Scotland, 22. Levies ſhip-money over the whole kingdom, 23. Arbitrary ſentences of the ſtar-chamber, 24—26. Stops the emigration of Puritans to America, 29. Trial of Hambden, 34. Reaſon of his attachment to church authority, 41. Introduces the canons and liturgy in Scotland, 43. Revolt of the Scots, and the covenant framed, 47. Frames a covenant on his part, which is rejected, 49. Epiſcopacy aboliſhed in Scotland, 51. Concludes an imprudent pacification with the covenanters, 57. Diſbands his army, 59. Fourth parliament, 60. His pleas for ſupplies, 61. His conceſſions, 64. Diſſolves the parliament abruptly, 67. Arbitrary proceedings againſt obnoxious members, 68. His ſchemes for raiſing money, 69. Summons a great council of the peers at York, 72. Meeting of the long parliament, 77. Impeachment of Strafford, 80. Of Laud, 81. Of Finch, 82. Votes of the commons regarding grievances, 84. His obſervations to parliament on their proceedings, 91. Complies to the diſpoſition of parliament, 101. Act for triennial parliaments, *ib.* Changes his miniſtry, 103. Strafford's letter to him, 120. High-commiſſion, and ſtar-chamber, aboliſhed, 125. Viſits Scotland, 127. Iriſh maſſacre, 143. Remonſtrance and petition of the commons, 155. Anſwers the remonſtrance, *ib.* Impeaches lord Kimbolton and five commoners, 164. Demands the five impeached members in perſon, 266. Attends the common council of London, 167. Retires to Hampton court, 168. Meſſages between him and the parliament,

liament, 170. Paſſes the bills ſent to him, 173. The commons prepare to defend their meaſures by arms, 174. Removes to York 179. Encouraged by the principal nobility and gentry, *ib.* Anſwers the memorials of the commons, 181. Commiſſions of array, 182. His anſwer to the propoſitions of the parliament 186. Erects his ſtandard at Nottingham, *ib.* State of parties at the commencement of the civil war, 187. His revenue ſtopped, 188. His declarations before his army, 195. Battle of Edge-hill, 197. Receives an addreſs for a treaty, *ib* Demands of the parliament, 200 Operations of the armies, 202. 205—208. 211. Publiſhes a manifeſto, 212. Beſieges Glocester, 313. Battle of Newbury, 219. His reply to the offer of mediation by the Scots commiſſioners, 225. Receives troops from Ireland, 232. Vindicated as to the Iriſh rebellion, 370. Endeavours to form a parliament at Oxford, 234. Circulates privy ſeals for loans, 235. The parliament rejects his offers, 236. Battle of Marſton-moor, 241. Defeated at Newbury, 246. His offers with regard to church government and the militia, 260, 261. Battle of Naſeby, 280. Is defeated, 281. Again defeated at Cheſter, 284. His fortitude under his diſaſters, 287. Is refuſed a treaty by the parliament, 288. Puts himſelf into the hands of the Scots army, 294. His treatment by the preachers, 295. Delivered up to the Engliſh commiſſioners, 300. Seized by Joyce, and conveyed to the army, 307. Indulgence of the army toward him, 315. His offers to Cromwel and Ireton, 317. Brought to Hampton-court, 320. Flies to the Iſle of Wight, 323. The parliament votes againſt all farther treaty with him, 329. The Scots commiſſioners treat with him, 331. A fleet in the river declares for him, 334. A treaty, 336. Confined in Hurſt-caſtle, 343. Brought to London to be tried, 347. His trial opened, 348. His ſpeech againſt the authority of the court, 349. Is condemned, 351. Reflections on this event, *ib.* His behaviour after ſentence, 353. His execution, 354. His character, 357. His children, 363. His love for the fine arts, ix. 167. His pictures and furniture ſold, 168. His death how firſt reſolved upon, viii. 382. Vindicated from the charge of inſincerity, 386.

Charles, prince of Wales, ſon of Charles I. retires to Paris, viii. 285. Proclaimed king by the Scots, ix. 7. Removes from Holland, 18. His treatment on landing in Scotland, 28.

28. Signs twelve articles of repentance, 30. Crowned at Scone, 36. Reproved by a committee of miniſters for his gallantries, 37. Marches into England, 38. Routed at Worceſter, 39. Secretes himſelf at Boſcobel, 40. Embarks for Normandy, 43. Forced to retire from France, 96. Keeps a court at Bruges, 112. Sends a letter to Monk, 141. His letter delivered to parliament, 155. He is proclaimed, 156.

Charles II. reſtored, ix. 155. Lands at Dover, 157. His character and perſonal qualifications, 174. Settlement of the ſtate, 177. The late king's judges ordered to ſurrender, *ib.* Reſtores epiſcopacy and the liturgy, 185. Sells Dunkirk, 206. Declaration of indulgence, 207. Attached to the catholic religion, 208. His character and conduct, 212. War againſt the Dutch, 220. Five-mile act, 226. Treaty of Breda, 238. Baniſhment of Clarendon, 242. Triple alliance, 250. Treaty of Aix-la-Chapelle, 251. Act againſt conventicles, 268. Character of his *cabal* miniſtry, 270. Leagues with France, 275. Pardons Blood, and promotes him, 282. Second declaration of indulgence, 286. Suſpenſion of the navigation act, 287. Declares war againſt the Dutch, 289. His ſpeech to parliament, 308. Declaration of indulgence oppoſed, 310. Recals it, 311. Scheme for reſtoring popery, 379. His embarraſſed ſituation, 340. His ſpeech to parliament, 341. Obtains a penſion from France, 347. Marriage between the prince of Orange and the princeſs Mary, 349. Alliance with the States, 352. Receives a paſſionate addreſs from the commons, 355. Treaty with the States, 356. His conduct in regard to the treaty of Nimeguen, 360. Warned of a popiſh plot, x. 4. His ſpeech to parliament, 17. Ridicules the plot privately, 21. Protects his queen from the accuſation of Oates and Bedloe, 23. Refuſes to paſs the militia bill, *ib.* Deſires his brother to retire beyond ſea, 32. Declares the illegitimacy of Monmouth, 33. Chuſes a new council, 38. Limitations on a popiſh ſucceſſor, 40. Habeas corpus act, 43. Popularity of his behaviour, 55 Deprives Monmouth of his command, and ſends him abroad, 56. His ſpeech to the new parliament, 62. Diſſolves it, and ſummons another, 80. His ſpeech, 81. Diſſolves the parliament, 85. Perſecutes the diſſenters, 103. *Quo warranto's*, 105. How he eſcaped the Rye-houſe plot, 113. His motives for not ſparing Ruſſel, 119. Marries the lady Anne to prince George of

of Denmark, 129. A private agreement between him and Lewis XIV. 247. Dies, 133. His private character, 134. His political character, 135. Inſtitutes the roval ſociety, 240. Why unable to encourage literary merit, *ib.*

Charles, dauphin of France, his government renounced on his father's captivity, iii. 201. Rejects the diſhonourable treaty concluded by his father, 204. Succeeds to the crown, 210. Summons prince Edward to Paris, 217.

—— VI. of France, becomes inſane, iii. 315. Dies, 337.

—— VII. of France, his character, iv. 5. How recovered from his deſpair, 19. Determines, on the ſucceſs of Joan D'Arc, to take the field, 27. Crowned at Rheims, 28. His advantages in the war with the Engliſh, 40. Recovers Normandy and Guienne, 50.

—— VIII. of France, marries the dutcheſs of Britanny, iv. 199. Receives Perkin Warbec, and patronizes him, 206.

—— IX. of France, forced to an accommodation with the prince of Condé, vi. 160. Concludes a ſecond accommodation with the proteſtants, 162. Maſſacre of Paris, 176. His death and character, 181. See *Medicis*.

—— V. emperor of Germany, compared with Francis I. of France, iv. 297. His extenſive dominions, 298. Viſits Henry VIII. 299. Pays court to Wolſey, *ib.* 302. Comes again to England, 315. Inſtalled knight of the garter, *ib.* Invades France, 325. Battle of Pavia, and captivity of Francis, 330. His hypocriſy on this occaſion, *ib.* War declared againſt him by France and England, 343. Challenges Francis to ſingle combat, *ib.* Intimidates the pope, v. 9. Peace of Cambray, 22. Sultan Solyman beſieges Vienna, 23. Truce with Francis, 91. Honourably received and conducted through France, 114. His ungrateful inſincerity towards Francis, 121. His remark on Henry's ſuppreſſion of the monaſteries, 144. Concludes a ſeparate peace with Francis, 152. His reaſons for declining an alliance with the protector Somerſet, 226. Grants an equitable peace to the proteſtants, 267. Propoſes his ſon Philip as a huſband to queen Mary, *ib.* Sends a large ſum to bribe the parliament, 277. Exhorts Mary to moderation toward her proteſtant ſubjects, 290. Retires to a monaſtery, 303. His employment in his retreat, 304. His character compared with that of pope Paul IV. *ib.*

Charles,

Charles, king of Navarre, his character, iii. 190. Procures the conſtable of France to be aſſaſſinated, 191. Is thrown into priſon, 192. Eſcapes, 203.

——— X. of Sweden, his ſucceſs in the north, ix. 84.

Charter of liberties granted by Henry I. ii. 7. Review of it, 10. Renewed, and confirmed, 207. *Magna Charta* granted by John, 213. Heads of it, *ib.* Remarks upon it, 216. 261. A new one granted by Henry III. 265. A charter of foreſts granted by him, 266. Renewals and confirmations of the great charter, 273. 294. iii. 55. 57. 224.

Chatelrault, the earl of Arran created duke of, v. 207. Reſigns the regency of Scotland, 314. Joins the *Congregation*, vi. 29. Enters into a conſpiracy againſt Mary, 78. Takes refuge in England, 79. Detained by Elizabeth, 125.

Cherington, battle there, viii. 239.

Cheſter, when firſt erected into a biſhopric, v. 97.

Chivalry, when introduced into England, ii. 260. The romantic principles of, deduced, *ib.* How improved during the cruſades, 261.

Chriſt church, Oxford, its foundation, v. 179.

Chriſtianity, its introduction among the Anglo Saxons, i. 46.

Church, its power under the Norman kings, ii. 259. The authority of, detached from the ſtate, *ib.* Its revenues in the reign of Henry IV. iii. 305. Its principles of reformation, vi. 128. Revolution of its doctrines concerning the abſolute decrees of God, vii. 227.

Churchill, captain, diſtinguiſhes himſelf in the French army, ix. 334. Joins the prince of Orange, x. 207.

Circuits, by itinerant juſtices, eſtabliſhed, ii. 123.

Cities in England, ſtate of, at the conqueſt, i. 200.

Civil laws, a view of the ſtate of, ii. 260.

Clanricarde, earl of, drives the nuncio Rinuccini out of Ireland, ix. 10. Submits to the parliament, retires, and dies, 49.

Clarence, Lionel duke of, ſecond ſon of Edward III. a brief view of his life, iii. 222.

———, George duke of, ſecond brother to Edward IV. his hiſtory, iv. 95. 101. 103. 111. 122—124. Reflections on the unfortunate fates of his children, 124.

Clarendon, the conſtitutions of, ii. 75. 77.

———, Hyde earl of, and chancellor, his character as an hiſtorian, ix. 173. His character, and influence with the king, 184. His daughter married to the duke of York, *ib.* Impeached, 212. Cauſes of his fall, 239. Impeached by

by the commons, 378 Retires to Calais, 242. Baniſhed, *ib.* Review of his life and conduct, 243.

Claypole, Mrs. daughter of O. Cromwel, her character, ix. 116.

Clement VII. grants to Wolſey the legatine commiſſion, iv. 322. Rome ſacked, and himſelf taken priſoner, 340. His conduct reſpecting Henry VIII.'s divorce from Catherine of Arragon, v. 6. 8. 11. 16. 33. His character, 9. Pronounces ſentence againſt Henry, 39. His authority renounced in England, 41. Dies, 59.

Clementines and Urbaniſts, ſource of thoſe diſtinctions, iii. 284.

Clergy, uſurpations of the, ii. 65. Their artifices to obtain money, 72. Claim an exemption from the civil magiſtrate, 73. Enormities committed by, *ib.* Evade the celibacy enjoined them, 196. Reflections on their caſe, *ib.* Act as mediators between the kings and their barons, 275. Italian, value of their benefices in England, 286. Deprived of protection from the laws, iii. 50. Why aſſiduous in promoting the ſtudy of civil law, iv. 155. Not to beg without a licence, 245. Obliged to take the oath of ſupremacy, vi. 66. Their diſpoſition toward Romiſh ceremonies and church authority, viii. 15. The right of taxing their revenues reſigned to parliament, ix. 220. Parochial, obtain the right of voting at elections, *ib.*

——, reformed in Scotland, their groſs behaviour to Mary, vi. 44. Are ruled in this, by Knox, *ib.* The real cauſe of their ill humour, 49.

—— of the church of Rome, their authority and union dangerous to the civil magiſtrate, iv. 307. But the encouragement of the fine arts in ſome meaſure owing to them, 308. See *Indulgences*, *Luther*, and *Reformation*.

Cleves. See *Anne* of.

Cleveland, dutcheſs of, her character, ix. 212.

Clifford, ſir Thomas, one of the *cabal*, his character, ix. 271. Obtains a peerage, &c. for the hint of ſhutting up the Exchequer, 285. Excluded by the teſt act, 318.

Coaches, when firſt introduced into England, vii. 78.

Coal, when firſt dug in England, ii. 339.

Coats of arms, when they firſt came into vogue, ii. 173.

Cobbet, one of the king's judges, executed, ix. 202.

Cobham, ſir J. Oldcaſtle, lord, his character as head of the Lollards, iii. 311. Condemned, 312. Eſcapes, *ib.* Conſpires againſt the king, *ib.* Executed, 313.

Cobham, lord, his inconſiſtent accuſation of Raleigh, vii. 94.
Coffee-houſes, proclamation for ſuppreſſing, ix. 333.
Coin, Sweediſh bullion imported, and good money coined, v. 239. Regulated by Elizabeth, vi. 53. Amount of, from 1599 to 1619, vii. 243. During the reign of Charles I. and the commonwealth, ix. 167. Great increaſe of, after the reſtoration, x. 237.
Coke, ſir E. a curious paſſage from, on the ſuppreſſion of the monaſteries, v. 330. Elizabeth's haughty treatment of him, vi. 312. His ſevere treatment of Eſſex, vii. 19. Groſly abuſes Raleigh on his trial, 94.
Colcheſter forced to capitulate to Fairfax, viii. 341.
Coleman, is arreſted, on account of the popiſh plot, x. 11. Tried and executed, 28.
Coligni, admiral, defends St. Quintin, v 310. Declares in favour of the proteſtants in France, vi. 38. Obtains ſupplies from Elizabeth, 64. Concerts a ſcheme to fruſtrate the league of Bayonne, 159. Defeated, 162. Wounded by an aſſaſſin, 176. Killed in the maſſacre of Paris, *ib.*
College, his extraordinary trial and execution, x. 89.
Colonies ſettled in America, vii. 244. See *America*. How peopled, x. 236. Their charters recalled, 238.
Columbus, his firſt voyage, iv. 247. How Henry VII. was deprived of the honour of the diſcovery of America, 248.
Combat, ſingle, trial by, i. 211. ii. 260.
Commerce, ſtate of, during the Norman kings, ii. 267. Under Henry III. 333. And Edward III. iii. 230. During the reign of Henry IV. 307. Regulations and extenſion of, under Henry VII. 244. 246. Merchants of the ſtill-yard, v. 239. State of, during the time of Mary, 321. Oppreſſion of, by monopolies, vii. 40. State of, during the reign of Elizabeth, 72. Eaſt-India company, 73. Trade with Muſcovy, *ib.* Turkey company, 74. Almoſt wholly monopoliſed by excluſive companies, 106. Amount of the cuſtoms in James I.'s reign, 130. State of, during this reign, 239. Exports and imports, 243. State of, under Charles I. and the commonwealth, ix. 166. Great increaſe of, after the reſtoration, x. 236.
Committee of ſafety, by whom formed, ix. 134. Negotiates with general Monk, 141.
Commodities, prices of, in the reign of Richard I. ii. 172. Remarks on the price of, under Edward III. iii. 232, *note*.

Common prayer book compoſed, v. 215. In what reſpects it differed from the old maſs-book, *ib.* Reviſed, 238. Authoriſed by parliament, 243. See *Liturgy* and *Reformation.*

Commons, the firſt efforts towards ſending repreſentatives of, to parliament, ii. 298. Begin to aſſemble ſeparate from the peers, 302. Houſe of, regularly formed, 321. Real epoch of the houſe of, iii. 38. Election of repreſentatives conſidered as a hardſhip, 40. Gradual increaſe of their influence, 41. Refuſe granting ſupplies to Edward III. 148. The conſequence they arrive to, 223. Chuſe a ſpeaker, 236. Petition Richard II. againſt the barons, 237. 351. Impeach the earl of Suffolk, 247; and the archbiſhop of Canterbury, 261. Their importance greatly increaſed, 302. Adviſe Henry IV. to ſeize the temporalities of the church, 304. Impeach the duke of Suffolk, iv. 56. 58. Their oppoſition to the encroachments of the church of Rome, 82. Their grants to Henry VIII. 321. Arbitrary ſpeech of Henry to Montague, 360. Reſtrain the impoſitions of the clergy, v. 20. Extraordinary ſpeech on religion, *ib.* Complain againſt the oppreſſions of eccleſiaſtical courts, 31. Groſs flattery of the ſpeaker to the king, 79. Paſs the bill for Cromwel's death unwillingly, 118. Paſs a bill of attainder againſt Norfolk, 167. Cruel treatment of Strode, 173. Lord Seymour attainted, 214. Alter a bill againſt treaſon, paſſed by the lords, and paſs another, 244. Refuſe to paſs the attainder of Tonſtal and Somerſet, 246. Remonſtrate againſt Mary marrying Philip, 269. Members puniſhed for ſeceſſion, 285. Addreſs Elizabeth to make choice of a huſband, vi. 13. Are ſtopped in their debates on the ſucceſſion, 88. Farther debates on this ſubject, *ib.* Caſe of Strickland, 149. 151, 152. Speeches on prerogative, 154. Reproved for their freedom, 155. A bribe given for an election, with the probable reaſon for it, 158, *note.* Apply for the trial and execution of Mary queen of Scots, 173. Speech of Peter Wentworth, 193. Oppoſe encroachments of the upper houſe, 196. Appoint a general faſt, 202. Reprimanded by the queen for it, *ib.* Apply to the biſhops for farther reformation, 223. Prohibited by the queen from intermeddling with eccleſiaſtical affairs, 296. The queen's haughty reply to the requeſts of the ſpeaker, 312. Peter Wentworth and ſeveral others ſent to priſon, *ib.* Diſpute about forms with the lords, 331. Extraordinary aſſertions of the regal prerogative, vii. 42. Abject behaviour of the

houſe, 43. Whether an outlaw can be choſen a member, 100. Inquire into monopolies, 106. Attempts againſt wardſhips, &c. 107. Averſe to the union between England and Scotland, 121. Petition for rigour toward popiſh recuſants, 123. Order their journals to be kept, 124. Refuſe to ſupply the king's neceſſities, 126. Reflections on their conduct, 127. Their views extend to eſtabliſh the conſtitution on freer principles than formerly, 130. Attempt to check the regal prerogative, 132. 148. Make a repreſentation of grievances, 178. Impeach Bacon, 179. Remonſtrate againſt the Spaniſh match, 182. King's ſpeech to their committee, 184. Proteſt againſt the king's denial of their privileges, 185. This proteſtation torn out of their journals by the king, *ib.* Cauſe of the ſmall ſupply granted in the firſt parliament of Charles I. 257. Their leaders and their views, 259. Complain of the growth of popery, 264. Impeach Buckingham, 269. Remonſtrate againſt conferring truſts on catholics, 272. Diſſolved, but publiſh a remonſtrance, 274. Character of this houſe, 288. Sir F. Seymour's ſpeech, 290. Sir R. Philip's ſpeech, 291. Sir T. Wentworth's ſpeech, 292. The petition of right conſidered, 294. And paſſed, 300. Inſiſt on the king's diſcontinuing levying tonnage and poundage, 313. Attack Arminianiſm, 315. Firſt appearance of Oliver Cromwel, 318. Remonſtrance againſt tonnage and poundage, 319. Are diſſolved, *ib.* Complexion and reaſoning of the houſe in the fourth parliament, viii. 62. Pym's ſpeech, 63. Arguments of the court and popular parties, 64. Are abruptly diſſolved, 67. Impeach Strafford, Laud, and Finch, 81—83. Star-chamber and high commiſſion condemned, *ib.* Expel monopoliſts and projectors, *ib.* Remarks on their proceedings, 86. Attack epiſcopal authority, 94. Haraſs the clergy, 96. Bill for triennial parliaments, 102. Form a proteſtation, and order it to be ſigned by the whole nation, 118. Their zeal for preſbyterian diſcipline, 146. Their famous remonſtrance, 148. 150. Reaſonings on both ſides with regard to it, 151. Preſent the remonſtrance to the king, 155. Proceedings againſt the biſhops, *ib.* Declare to the lords an intention of rejecting their authority, if oppoſed by them, 159. Impeach ſeveral biſhops, 162. Five members impeached by the king, 164. Who are demanded by him in perſon, 166. Adjourn the houſe on this occaſion, 167. Order a committee to ſit in Merchant-Taylors Hall, *ib.*

ib. Warn the kingdom to prepare for defence againſt papiſts, &c. 174. Carry the militia bill into execution without the king's concurrence, 179. Vote all to be traitors who aſſiſt the king, 183. Raiſe an army, and appoint Eſſex general, 184. For thoſe tranſactions wherein both houſes concur, ſee *Parliament*. Impeach the queen, 240. Self-denying ordinance, 255. Their violent accuſation againſt the king, 329. Vote for bringing the king to trial by their own authority, 346. Vote the houſe of lords uſeleſs, and aboliſh monarchy, 361. Name a council to carry on the adminiſtration of government, ix. 6. Diſſolution of, by Cromwel, 60. Retroſpect of their proceedings, *ib.* Character of Barebone's parliament, 67. The new houſe of, meet, 155. Receive a letter from Charles II. *ib.* The king proclaimed, 156. Impeach Clarendon, 241. Obſtruct the tolerating maxims of the court, 265. Coventry act, 280. Remonſtrance againſt the declaration of indulgence, 310. And againſt the duke of York's marriage, and the ſtanding army, 317. Their diſcontented meaſures, 328. Quarrel with the lords, 331. Diſtruſtful of the king, 344. 353. Make a paſſionate addreſs to the king, 355. Vote the diſbanding of the army, 357. Impeachment of Danby, x. 25. 34. 44. Conteſt the choice of a ſpeaker with the king, 34. Proceedings on the popiſh plot, 35. 64. Bill of excluſion againſt the duke of York, 42. 67. 71. Perſecute the *abhorrers*, and protect the petitioners, 63. Their violent proceedings, 77. Grant a revenue to James II. during life, 145. Addreſs him concerning his exerciſe of a diſpenſing power, 159. In the convention parliament vote the throne to be vacant, 220. Their conference with the lords, 224. See *Lords* and *Parliament*.

Commonwealth of England, commencement of, viii. 361. State of, after the battle of Worceſter, ix. 43. Confuſed management of eccleſiaſtical affairs, 45. Maintains a formidable power abroad, 46. Succeſſes of Blake, Ayſcue, and Monk, 46—49. Attempts a coalition with the United Provinces, 51. Determines on a war with them, 52. Their advantages at ſea owing to the ſhip-money levied by Charles, 56. Long parliament diſſolved by Cromwel, 60. State of parties, 65. Terminated, by Cromwel being choſen protector, 71. Reſtored, 129. The parliament expelled, 134. Foreign affairs, 135. Diſſolution of the long parliament, 149. Review of manners, &c. 158.

Communion-ſervice, a new one framed, v. 205.
Communion-table. See *Altar*.
Companies, excluſive. See *Commerce*.
Comprehenſion of Epiſcopiſts and Preſbyterians, conference for effecting, ix. 191. Popular arguments for and againſt, 192.
Condé, prince of, declares in favour of the proteſtants in France, vi. 37. Takes arms in their favour, 60. Enters into a treaty with Elizabeth, 61. Joins in a ſcheme to prevent the league of Bayonne, 159. Killed, 160.
——, the young prince of, placed at the head of the proteſtants, vi. 160. Renounces the proteſtant faith, 177. Defeated, 305.
——, prince of, his obſtinate battle with the prince of Orange at Seneffe, ix. 326. Louis XIV. ſerves under him, 333.
Congregation of the Lord, an aſſociation of reformers in Scotland ſo ſtyled, account of the bond they entered into, vi. 21. Raiſe men to oppoſe the regent, 25. Their addreſs to the eſtabliſhed church, 27. Sign a new covenant, 28. Give themſelves up to the guidance of Knox, *ib.* Requeſt aſſiſtance from Elizabeth, 31. Treaty of Edinburgh, 33. Suppreſs the catholic religion, and eſtabliſh preſbyterianiſm, 35.
Conſervators of the peace, appointed in Scotland, vii. 226.
Conſtable of England, the office of, forfeited, iv. 305. Reflections on the arbitrary office, and court of, 345.
Conſtance, council of, its proceedings, iii. 337.
Conſtantia, mother of Arthur duke of Britanny, ſurrenders her ſon to his uncle John, vi. 177. Appeals to Philip on the murder of Arthur, 182.
Conſtantinople taken by the Turks, iv. 248.
Conſtitution of England, view of, to the time of Henry VII. iv. 247. The different periods of, vii. 51, *note*. Indications of a ſpirit in the commons to alter it on principles of freedom, 130. Never thoroughly underſtood until fixed on principles of liberty by parliament, 131. Arguments in the diſputes between James I. and the parliament, 186.
Conventicles, acts againſt, ix. 268. 364. Diſperſed and ſuppreſſed, x. 49. 103. Allowed by the declaration of indulgence, 174.
Convention of States, called in Scotland, vii. 226. Enforce the Solemn League and Covenant, 228.
Convocation, firſt aſſembling of deputies of the inferior clergy, iii. 44. Summoned by Henry VIII. iv. 320. Acknowledges

ledges the king's ſupremacy, with a reſervation, v. 30. The papal authority renounced, 40. Articles of faith framed by, 82. Influence of proteſtant principles in their articles, *ib.* Diſputes on tranſubſtantiation, 269. Its proceedings in the reign of Charles I. viii. 68.

Copper coin, when firſt introduced, vii. 244.

Corn, remarks on the ſtatute prices of, during the reign of Henry III. ii. 333. The exportation of, allowed, iv. 82. Prices of, during the reign of James I. vii. 235. Public magazines of, eſtabliſhed, *ib.*

Corniſh, ſheriff of London, is convicted on falſe evidence, and executed, x. 155.

Cornwal, an inſurrection there, iv. 219.

———, Richard, earl of, ſon of king John, refuſes the kingdom of Sicily, ii. 287. Elected king of the Romans, 290. Taken priſoner at the battle of Lewes, 316. Recovers his liberty by the battle of Eveſham, 326. Dies, 330.

Corporations, with what view erected, ii. 242. A great check upon induſtry, iv. 246. Surrender their charters, x. 108. Conditions on which they were reſtored, *ib.*

Covenant, in Scotland, againſt receiving the canons and liturgy, viii. 47. Enforced by the general aſſembly, 51. See *League*.

Coventry Act, on what occaſion made, ix. 279.

Council of Officers, ſummoned by Cromwel, reſolves on bringing Charles I. to trial, viii. 326. Seizes the king, 342. The parliament purged by, 344. Plans a republican form of government, 345. Chuſes Cromwel protector, ix. 71. One ſummoned by R. Cromwel, 127. Depoſes the protector, 128. Reſtores the long parliament, 129.

——— *of State*, nominated to carry on the government after the execution of the king. ix. 6. One appointed on the diſſolution of the long parliament, 149.

Counties, diviſion of England into, i. 98. Firſt attempts at appointing members for, ii. 298. Palatine, the juriſdiction of, annexed to the crown, vii. 84.

County Courts, appointment and nature of, i. 100. ii. 343.

Court and Country, when thoſe parties began, vii. 346.

Court baron, ancient form and nature of, ii. 241. 245.

Courts, civil and eccleſiaſtical, re-united, ii. 326.

Cowley, his character as a poet, ix. 171. His death, *ib.*

Coxers,

Cozens, his zeal for eccleſiaſtical ceremonies, viii. 96.

Cranmer, Dr. his introduction to Henry VIII. v. 25. Made archbiſhop of Canterbury, 35. Favours the proteſtant tenets, 49. Encourages farther reformation, 101. Protected by the king againſt the catholic courtiers, 159. Attends Henry in his dying moments, 168. Oppoſes the attainder of Tonſtal, 245. Impriſoned and convicted of treaſon, 262. Sent to Oxford to debate on tranſubſtantiation, 270. Degraded, 306. Subſcribes to the pope's ſupremacy, and the real preſence, *ib.* Contradicts this ſubſcription, 307. Is burnt, and his fortitude at the ſtake, *ib.* Character of him, 308.

Crecy, battle of, iii. 177.

Credit, national, low ſtate of, previous to Elizabeth, vii. 72.

Crema, cardinal de, diſgraceful anecdote of, ii. 32.

Creſſingham, treaſurer of Scotland, exaſperates the Scots by his oppreſſions, iii. 60. Slain, 63.

Criminal law, among the Anglo-Saxons, view of, i. 205.

Criminals, a compariſon of the yearly execution of, in England, at different periods, v. 177. vii. 66.

Cromwel, Thomas, defends his patron Wolſey in the houſe of commons, v. 19. Made ſecretary of ſtate, 49. And vicar-general, 66. Preſides in the convocation as vicar-general, 81. Articles of faith framed by this meeting, 82. The clergy incenſed againſt him, 85. Made a peer, 106. Aſſiſts the king in his arbitrary proſecutions, 109. Henry's ſecret diſpleaſure againſt him, 115. Made earl of Eſſex, and knight of the garter, 116. Cauſes of his fall, 117. His accuſation and condemnation, 118. His moving letter to the king, *ib.* His execution and character, 119.

———, Oliver, complains in the houſe of commons, of a preacher, for popiſh doctrines, vii. 318. Is ſtopped from tranſporting himſelf to America, viii. 30. His gallantry at the battle of Marſton-moor, 242. Becomes a leader of the independents, 250. His ſpeech on the ſelf-denying ordinance, 253. His character, 257. New-models the army, 275. His ſucceſſes, 280. 284. Is the ſecret cauſe of the king being ſeized, 308. His profound hypocriſy, *ib.* Choſen general, *ib.* Marches againſt the parliament, 309. Pays court to the king, and enters privately into treaty with him, 315. Remarks on his conduct between the king and parliament, 320. Calls a meeting of officers, wherein it is reſolved

ſolved to bring the king to a trial, 326. Marches into Scotland, 340. Seizes the king, 343. Marches the army, to purge the parliament, 344. His ſpeech on the ordinance for bringing the king to a trial, 347. Appointed one of the king's judges, 348. His hypocritical conduct toward Fairfax, during the time of the king's execution, 356. His general character, and great influence in the army, ix. 5. Appointed lord lieutenant of Ireland, 12. His operations there, 16—18. 31. Declared captain-general, 32. Defeats Leſly at Dunbar, 34. Writes polemical letters to the Scots clergy, 35. Defeats Charles II. at Worceſter, 39. Expels the members from the houſe, 60. His birth and private life, 61. Summons a new parliament, 66. His addreſs to it, 67, *note*. Declared protector, 71. His powers, *ib*. Summons a parliament, *ib*. Diſcontents, 77. The parliament diſputes his authority, 78. Diſſolves it, 80. Divides England into twelve military juriſdictions, 82. Reflections on his foreign negotiations, 88. Jamaica taken, 91. Vigour of his foreign tranſactions, 94. His domeſtic adminiſtration, 95. His general conduct in religious matters, 97. His addreſs in procuring ſecret intelligence, 99. His general deportment, 100. His vein of pleaſantry ſometimes leads him into inconſiſtencies; inſtanced in an anecdote, *ib*. Endeavours to be made king, 104. The crown offered to him by parliament, 105. Extracts from his ſpeech on refuſing it, 376. Motives of his refuſal, 108. Summons a new parliament in two houſes as formerly, 110. Parties formed againſt him, 114. Eſcapes aſſaſſination, 116. Falls ſick, 118. Dies, 119. His character, *ib*. An apology for his conduct, 122. Anecdotes of his family, 123. Remarks on his political ſituation at the time of his death, 124. His regard to literary merit, 168. His account of the firſt cauſe of determining on the death of Charles I. 382.

Cromwel, Richard, his character, ix. 110. Acknowledged protector, 125. Cabals againſt him, 127. Reſigns the protectorſhip, 128.

———, Henry, ſecond ſon of Oliver, his character, ix. 102. Made lord lieutenant of Ireland, *ib*. His death, 328, *note*.

Cropredy bridge, battle of, viii. 245.

Crown, entail of, by the firſt parliament of Henry VII. iv. 170. Powers claimed by, to the time of Charles I. vii. 221.

Cruſades, the commencement of, i. 271. The univerſal rage for, 274. Hiſtory of, continued, ii. 3. 129. 143. 147. 149. 151. 153. 329.

Cummin, John, regent of Scotland, his hiſtory, iii. 70, 71. 74. 76.

Cuſtoms, produce of, in Elizabeth's reign, vii. 71. In the reign of James I. 130. 231. In the reign of Charles I. ix. 166.

D

D'ALBINY, Philip, his naval ſtratagem, ii. 269.

Darby, ſir T. Oſborne, treaſurer, made earl of, ix. 318. His character, 328. Impeached, x. 25. 34. His defence, 26. Committed to the Tower, 35. Freed by the houſe of lords, 146. Concurs in an invitation to the prince of Orange, 196. His conduct in parliament on the abdication of James, 223.

Danes, the nature of their firſt piratical inroads into England, i. 79. Admitted to ſettle, and baptized, 91. Their piratical conduct accounted for, 137. Settle in Normandy, *ib.* A maſſacre of, 140.

Danegelt, occaſion of impoſing, i. 151. Remitted, ii. 40. 140.

Dangerfield, author of the meal-tub plot, his character, x. 57.

Darnley, lord, propoſed as huſband for Mary queen of Scotland, vi. 74. His pedigree, *ib.* Married to her, 77. His character, 82. Becomes jealous of Rizzio, 83. Cauſes Rizzio to be aſſaſſinated, 85. His illneſs attributed to poiſon, 92. Is blown up with gunpowder, *ib.*

D'Aubigney, count, his family and character, vi. 198. Created earl of Lenox, 199. See *Lenox*.

David, eldeſt ſon and heir of Lewellyn prince of Wales, does homage to Henry III. ii. 309. Executed as a traitor, iii. 12.

Davis's ſtraits diſcovered, vii. 73.

Dauphin, the occaſion of the eldeſt ſons of the kings of France obtaining that appellation, iii. 192.

De Ruyter engages Ayſcue, ix. 55. Attacks the Engliſh ſettlements, 217. Engages the Engliſh fleet for four days, 227. Defeated, 230. Burns the Engliſh ſhips in the Medway and Thames, 237. Battle of Solebay, 294. Engages prince Rupert, 314, 315. Killed, 336.

De Wit, Cornelius, defeated by Blake, ix. 55. Cruelly murdered, 304.

———, John, the Dutch miniſter, his character, ix. 221. Takes the command of the fleet, 222. His negotiations with Temple, 248. Concludes the triple alliance, 249. Cruelly murdered, 304.

Debt, firſt contracted on parliamentary ſecurity, iv. 83.

Defender of the faith, this title beſtowed by pope Leo X. on Henry VIII. iv. 311.

Denham, his character as a poet, ix. 171. His death, *ib.*

Denmark; ſee *Danes*. James VI. of Scotland, marries a princeſs of, vi. 302. King of, his treachery toward Charles II. ix. 224. See *Anne*, princeſs of.

Derby, Henry, earl of, his ſucceſſes in Guienne, iii. 181. Becomes earl of Lancaſter, 191. See *Lancaſter*.

——, counteſs of, is the laſt perſon who ſubmitted to the commonwealth, ix. 47. Letter from the earl of, in anſwer to Ireton's ſummons, 374.

Deſborough, brother-in-law to Cromwel, oppoſes his accepting the title of king, ix. 108. Obliges R. Cromwel to diſſolve his parliament, 128.

Deſpenſer, Hugh le, the chief juſticiary, diſplaced, ii. 307. Reſtored, 311. Killed, 325.

———, Hugh le, favourite of Edward II. his character, iii. 100. Character of his father, *ib.* The barons combine againſt him, *ib.* Exiled, 102. Recalled, *ib.* His rapaciouſneſs, 104. Put to death, 110. Concluſions drawn from his father's loſſes, 199.

Devonſhire, an inſurrection there, v. 222.

———, Courtney, earl of, is propoſed as a huſband to queen Mary, v. 265. Dies abroad, 284.

Directory for public worſhip, eſtabliſhed, viii. 259.

Diſpenſing power, the commons addreſs James II. on his exerciſing it, x. 159. Arguments againſt it, 164. Aboliſhed, 247.

Domeſday-book, the nature of, explained, i. 256.

Dominicans and Franciſcans, obſervations on the inſtitutions of thoſe new orders of religion, ii. 338.

Donne, a character of his Satires, vii. 251.

Douglas, his hiſtory, and murder, ix. 19.

Douay. See *Philip* II.

Douglas, lord, his bold attempt to ſeize Edward III. in his camp, iii. 125.

Douglas, earl, his irruption into England, iii. 294. Aſſiſts young Piercy at the battle of Shrewſbury, 296.
Downing, the Engliſh reſident in Holland, ſeizes three of the king's judges there, ix. 201.
Drake, Francis, his voyage round the world, vi. 201. His expeditions againſt the Spaniards, 236. 280. 287. 301. Repulſed at Darien, where he dies, 325.
Druids, their office, power, and doctrines, i. 23. Their chief ſeat at Angleſea deſtroyed, and themſelves burnt, 27.
Dryden, his character as a poet, x. 243.
Du Gueſclin, his character and hiſtory, iii. 211—214. 219.
Dublin, a conſpiracy for ſeizing the caſtle of, viii. 137. Its diſtreſs during the devaſtation of Ireland, 230.
Dudley, the miniſter of Henry VII. his character, iv. 232. Executed, 253.
———, lord Guildford, married to lady Jane Grey, v. 249. Is apprehended, 259. And executed, 275.
———, lord Robert, becomes the favourite of Elizabeth, vi. 54. Created earl of Leiceſter, 72. See *Leiceſter*.
Duelling, when and how it took riſe, iv. 344.
Dunbar, battle of, ix. 34.
Dunes, battle of, ix. 112.
Dunkirk, is taken from the Spaniards, and delivered to Cromwel, ix. 113. Sold to the French, 207.
Dunois, count of, his conduct and exploits, iv. 15. 18. 22—24. 27. 30. 34. 47. 49. 50. 188. 198.
Dunſtan, St. his life and character, i. 115—128. Miracles in favour of, 129.

E

EARL, original nature of this dignity, iii. 35. See *Alderman*.
Eaſt Anglia, hiſtory of the Saxon kingdom of, i. 59.
Eaſt India, the new paſſage to, diſcovered, iv. 247.
———— company, the firſt patent granted to, vii. 73. A new patent, 242. Cruelties at Amboyna, 243. Its charter revived, x. 237.
Eaſter, diſputes concerning, i. 74.
Eccleſiaſtics, their homage to laymen for temporalities condemned, i. 281. Why unfit for holding the great offices under the crown in the papal times of England, iii. 156. Their encouragement, how ſecured, iv. 306. Political motives

motives to fixing their ſalaries, 307. Theſe motives the foundation of religious eſtabliſhments, *ib.*

Edgar, king of England, his hiſtory, i. 120—127.

——— Atheling, account of, i. 165. 168. 219. 221. 224, 225. 235. 244. 284. ii. 16.

Edge-hill, battle of, viii. 197.

Edinburgh, taken by Edward I. iii. 46. Burnt by Richard II. 245. Seized by Henry IV. 294. Pillaged and burnt by Henry VIII. v. 150. Riot of proteſtants there, vi. 23. Treaty of, 33. A tumult there, viii. 44. The ſolemn league and covenant framed there, 226. Seized by Cromwel, ix. 34.

Edmond, how he obtained the ſee of Canterbury, ii. 284.

——— *Ironſide*, ſtate of the kingdom at his acceſſion, i. 145. Murdered, 146.

Edmund, king of England, his violent death, i. 112.

Edred, advantages taken of his ſuperſtition, i. 113.

Edric, duke, his treacherous behaviour, i. 142—145. Executed, 147.

Edward the Elder, his reign, i. 104—107. Account of his ſiſter Ethelfleda, 107.

Edward the Martyr, his tragical death, i. 129.

Edward the Confeſſor, the Saxon line reſtored by his acceſſion, i. 156. His reign and character, 156—173. The firſt who touched for the evil, 173. Some of his laws reſtored, 243.

———, prince, eldeſt ſon of Henry III. ſhows early indications of a great ſpirit, ii. 300. His conduct and exploits in the war with the barons, 312—325. His gallant defeat of Adam de Gourdon, and generous treatment of him, 327. Engages in a cruſade, 329. Eſcapes aſſaſſination, 330.

——— I. proclaimed, iii. 3. Influence of his known character in keeping the kingdom quiet, 4. His different emotions at hearing of the deaths of his father and of his infant ſon, *ib.* Crowned, *ib.* Applies himſelf to rectifying the diſorders of government, *ib.* His cruelty towards the Jews, 7. His frugal management of his revenue, 8. Reduces Lewellyn prince of Wales, 11. See *Wales*. The claims of the competitors for the crown of Scotland referred to his deciſion, 18. Endeavours to eſtabliſh a claim to Scotland, 19. Obtains an acknowledgment of his ſuperiority, 23. Decides in favour of John Baliol, 26. Baliol ſwears fealty to him, and is put into poſſeſſion of the crown. *ib.*

War with France, 27—31. The first beginnings of popular government, 38. Summons the representatives of the people in parliament, 39. And deputies of the inferior clergy, 44. War with Scotland, 45, 46. Baliol swears fealty to him, 46. Carries him prisoner to London, 47. Subjection of Scotland, *ib.* Obtains grants from parliament, 48. Opposed in his demands by the clergy, 49. His severity towards them, 49, 50. Reduces them to compliance, 51. Oppressive extortions on trade, *ib.* Reconciles himself with the clergy, 53. Promises a reformation of government, *ib.* Confirms the two charters, 55. Obtains from the pope an absolution from his engagements to observe the charters, 56. The Scots rise against him under Wallace, 61. See *Wallace.* Receives their submission, 71. Dies, *ib.* His character, 78. His legislative acts, *ib.* 81. His children, 84.

Edward, prince, second son of Edward I. traditional account of his being made prince of Wales, iii. 13. Contracted to Isabella of France, 59. Succeeds to the crown, 85.

——— II. his accession, iii. 85. His weakness of mind, *ib.* His feeble attempt against Scotland, 86. His attachment to Gavaston, *ib.* Marries Isabella of France, 87. Obliged to banish Gavaston, 88. The authority of government vested in a council of twelve, 90. Lancaster raises an army against him, 92. His rage at Gavaston's murder, 93. Reconciled to his barons, *ib.* Defeated at Bannockburn, 96. Reflections on his incapacity for government, 99. The barons combine against the Despensers, *ib.* His queen insulted, 102. Recalls the Despensers, *ib.* Overpowers his barons, 103. Lancaster defeated and executed, *ib.* 104. Intimacy between his queen and Roger Mortimer, 106. She forms a conspiracy against him, 107. Seized by Leicester, and confined, 110. Deposed, *ib.* His cruel usage, *ib.* Murdered, *ib.* His character, 113. Comparison between his reign and that of his father, 114. His children, 122.

——— III. his accession, ii. 123. Marches to oppose the Scots, 124. His narrow escape from the bold attempt of earl Douglas, 126. His strict regard to the suppression of robbery, 131. Encourages secretly the pretensions of E. Baliol to the crown of Scotland, 133. Defeats the Scots at Halidown hill, 137. His claim to the crown of France, 139. The weakness of his pretension shown, 140. Assumes

sumes the title of king of France, 145. Invades France, 147, 148. Remarks on his present situation with his parliament, 148. Resolutions of parliament on his assumed title as king of France, 150. Great victory over the French fleet, *ib.* Archbishop Stratford enters into a combination against him, 156. Stratford's letter to him, 157. Review of his present situation, 158. His treaty with the French, 167. Invades Normandy, 171. Penetrates as far as Paris, 173. Disposition of his army at Crecy, 174. His address to his army, 175. Defeats the French at Crecy, 178. Besieges Calais, 180. Queen Philippa intercedes for the deputies, 185. Routs the French army, 187. His affability to his prisoners, *ib.* Institutes the order of the garter, 189. Invades France, 193. Battle of Poictiers, 195. John king of France brought prisoner to London, 200. Restores king David Bruce, 201. Treaty of Bretigny, 207. Loses most of his territories in France, 219. Attaches himself to Alice Pierce, 220 Dies, *ib.* His character, 221. Retrospect of his reign, 221—234. His children, 222. His reign an interesting period of our history, 234.

Edward, prince of Wales, son to Edward III. his gallant behaviour at the battle of Crecy, iii. 178. Defeats king John at Poictiers, and takes him prisoner, 198. His death and character, 220. How he obtained the appellation of the Black Prince, 222.

———, prince, son to Henry VI. born, iv. 68. Extraordinary adventure of, with his mother Margaret, in a forest, 90. Killed, 113.

——— IV. proclaimed, iv. 80. Reflections on this event, *ib.* His character, 83. The parties of York and Lancaster, how distinguished, 84. His title recognized, 87. Marries the lady Elizabeth Grey, 93. Disgusts the earl of Warwic, 94. Insurrection in Yorkshire, 97. Confusion in this period of the English history, 98. Chased from his own camp, 105. Flies to Holland, *ib.* Enters London, 110. Defeats Warwic, 112. And queen Margaret's army, *ib.* Invades France, 115. Interview with Lewis, 117. Procures Clarence's trial and execution, 123. His death, character, and family, 125, 126. State of the court, 126. Leaves Gloucester regent, 127. His legitimacy denied by Gloucester, 136.

——— V. state of parties at his accession, iv. 126. The duke of Gloucester regent, 127. Murdered in the Tower

with his brother the duke of York, 138. Their bodies found in the reign of Charles II. 139.

Edward, prince, ſon of Henry VIII. born, v. 90.

——— VI. his acceſſion, v. 181. Diſcovers a propenſity to literature, 187. His reluctance at ſigning the warrant for the execution of Joan Boacher, 218. A new regency formed, 230. Calls a new parliament, 246. His health declines, 248. 250. Signs the patent for the ſucceſſion of lady Jane Gray, 251. Dies, 252. His character, *ib.*

Edwy, king of England, his character, i. 117.

Effingham, lord Howard of, commands againſt the armada, vi. 287. Attacked by the armada, 293. Diſconcerts it at Calais, 294. Takes Cadiz, 326. Created earl of Nottingham, 327. See *Nottingham*.

Egbert, king of England, hiſtory of, i. 68—78.

Eleanor, wife of prince Henry, ſon of king Stephen, inſtigates her ſons to revolt againſt their father, ii. 112. Made regent by her ſon Richard I. 143. Writes to the pope on Richard's captivity, 161.

———, wife of Henry III. inſulted by the populace of London, ii. 311. Prepares a force abroad, to reſtore her huſband, 320. Dies, iii. 25.

Elections to parliament, laws relating to, during the reign of Henry VI. iv. 81. How regulated under Cromwel, ix. 77.

Elfleda, how ſhe became miſtreſs to Edgar, i. 124.

Elfrida. See *Athelwold*. Cauſes her ſon-in-law Edward the Martyr to be killed, i. 129.

Elgiva, wife to Edwy, ſhockingly murdered by the clergy, i. 119. Other repreſentations of this ſtory, 287.

Elizabeth, daughter of Henry VIII. and Anne Boleyn, born, v. 36. Created princeſs of Wales, *ib.* Illegitimated, 79. Reſtored to her right of ſucceſſion, 148. Confined by her ſiſter Mary, 274. Her caution with regard to religion, 318. Great joy at her acceſſion, vi. 3. Her behaviour on arriving at the Tower, 4. Her motives for declining Philip's offers of marriage, 5. Recals her ambaſſador from Rome, 6. Prohibits the elevation of the hoſte, 8. Is crowned, *ib.* Her popular behaviour, *ib.* Declared governeſs of the church, 11. The maſs aboliſhed, and liturgy reſtored, 13. Henry ſolicits her excommunication at the court of Rome, 18. Riſe of her violent jealouſy againſt Mary queen of Scots, 19. Tranſactions with regard to Mary and the Scots malcontents, 31—52. Her prudent adminiſtration, 53. Her averſion

averſion to the idea of a ſucceſſor, 54. Philip of Spain begins to manifeſt his enmity to her, 59. Aſſiſts the French proteſtants, 64. Addreſſed by the commons to marry, *ib.* Her reflections on this ſubject, 65. Her addreſs in preventing Mary from contracting a foreign alliance by marriage, 72. Expoſes her weakneſs and rivalſhip, 73. Favours the marriage of Mary with lord Darnley, 75. Encourages the Scots malcontents to riſe againſt Mary, 78. Her conduct towards Mary, 115—126. Her reluctance againſt church-reformation, 131. Attached to the doctrine of the real preſence, *ib. note.* Endeavours to depreſs the puritans, 133. Inſurrection in the north, 140. Amuſes Mary with negotiations, 142. Sends terms of a treaty to Mary, 146. Excommunicated by pope Pius V. 148. Prohibits the parliament from meddling with affairs of ſtate, 149. Reproves the commons for their freedom, 155. Remarks on her notion of the proper objects of parliamentary concern, 156. Her frugality, 159. Her reception of the French ambaſſador, ordered to excuſe the maſſacre of Paris to her, 177. Her prudence on this occaſion, 179. Receives an embaſſy from the revolted Hollanders, 187. Agrees to aſſiſt them, 189. View of her ſituation at this time, 191. Her lenity in religious matters, *ib.* Petitioned by parliament for church-reformation, 196. Ireland invaded by the Spaniards, 200. Reprimands the commons for appointing a faſt, 202. Negotiations for a marriage with the duke of Anjou, 205—211. Strange fluctuations of her conduct on this affair, 207. Receives a pathetic letter from Mary, 215. Artifices practiſed by her miniſtry to detect conſpiracies, 220. An aſſociation to protect her againſt all violence, 221. Court of eccleſiaſtical commiſſion, 224. Her ſpeech to parliament, on the application for farthur reformation, 226. Conſpiracies againſt her life, 227. Appoints a commiſſion for the trial of Mary queen of Scots, 249. Mary's laſt letter to her, 259. The duplicity of her conduct in regard to Mary, 263. Her behaviour on the execution of Mary, 274. Prepares for defence againſt the armada, 286. Her vigilance and prudence, 288. Viſits the camp at Tilbury, 290. Prohibits the commons from meddling with eccleſiaſtical affairs, 296. Calls a parliament, 311. Sends ſeveral members to priſon, 312. Her ſpeech to parliament, 315. Her phyſician receives a bribe from the Spaniſh miniſters to poiſon her, and is executed,

320. Makes Eſſex earl marſhal, 330. Further particulars of her conduct towards him, vii. 10—32. Conſents to his execution, 33. Meditates a new ſyſtem of policy for Europe, 35. Enormous grants of monopolies, 40. Falls into a profound melancholy, 45. The counteſs of Nottingham confeſſes her treachery to Eſſex, 47. Her unconquerable grief on this occaſion, *ib.* Dies, 48. Her character, *ib.* Review of her adminiſtration, 50. Miſcellaneous particulars concerning her maxims of government and her private character, vi. 353—374. vii. 51—85. 321. Harriſon's account of her navy, 329.

Elizabeth, princeſs, daughter of James I. married to Frederic, elector palatine, vii. 140.

———, princeſs, daughter of Charles I. his charge to her, before his execution, viii. 353. Dies of grief, 362.

Elliot, ſir John, reads a remonſtrance in the houſe againſt tonnage and poundage, vii. 319. His ſentence by the court of King's-bench, 320. Dies, *ib.*

Ely, Longchamp biſhop of, joint guardian of the realm, his character and preferments, ii. 147. Arreſts his coadjutor the biſhop of Durham, 155. Flies, 156.

Embargoes, arbitrary uſe of, by Elizabeth, vii. 60.

Empſon, the inſtrument of the oppreſſions exerciſed by Henry VII. his character, iv. 232. His mode of practice, *ib.* His ſhrewd apology for his conduct, 252. Executed, 253.

England, when united into one kingdom, i. 71. 76. Divided into ſhires, &c. 98. Conquered by the Normans, 186. Review of the Saxon government in, 189. State of, at the acceſſion of Henry II. ii. 57. At his death, 136. Operation of the interdict it was laid under in the reign of John, 194. Its ſituation at the time of Henry III. 306. Bad internal police, 336. Intentions even then formed for ſhaking off the papal yoke, 337. Firſt beginnings of popular government, iii. 38. Source of the antipathy between the Engliſh and French, 146. Great plague, 189. Popular ſentiments of papal power over, 228. Exports and imports in the year 1354, 231. Inquiry into the nature of the homage paid to the kings of, by thoſe of Scotland, 341. Why generally ſucceſsful in its conteſts with France, 319. Reflections on the ancient hiſtorians of, iv. 153. How far the diſpoſition of the people co-operated with the deſigns of Henry VIII. in renouncing ſubjection to Rome, v. 46. The authority of the biſhop of Rome totally renounced,

nounced, 80. The reformation promoted by the acceſſion of Edward VI. 186. Grievances of the people at the infancy of the reformation, 219. State of the navy during the reign of Mary, 321. Laws reſpecting trade, 322. The mean naſty manner of living among the Engliſh, 323. Great alteration in this reſpect, 336. The proteſtant religion reſtored, vi. 10. The plague brought into, 70. Uſeful manufactures introduced, 167. Seminaries founded abroad for the education of Engliſh catholics, 203. State of, during the reign of Elizabeth, vii. 50. Compared with the Turkiſh government, 57. Bad ſtate of morals, and remiſs execution of juſtice, 66. State of the navy, 75. Number of the people, 76. Current ſpecie in, at the end of Elizabeth's reign, 80. Manners, *ib.* Literature, 84. Great alteration in, by the progreſs of letters and improvement in arts, 104. Almoſt all the foreign trade of, monopolized, 106. Crown and people, how affected by the diſcovery of the Weſt-Indies, 127. Miſcellaneous remarks on this period, 219. Colonies eſtabliſhed in America, 244. Characters of its early writers on the revival of learning, 248. Happy ſtate of its foreign affairs, viii. 4. Reflections on the commencement of the civil war, 180. State of parties when the king erected his ſtandard at Nottingham, 187. Preſbyterian diſcipline eſtabliſhed, 291. Trial of the king, 348. Execution of Charles I. 354. Confuſed ſtate of the nation after this event, ix. 3. Confuſed ſtate of religion, 45. Its foreign exertions, 46. State of parties, 59. Cromwel choſen protector, 71. Is divided into twelve military juriſdictions, 82. Foreign and domeſtic adminiſtration of Cromwel, 94. The long parliament finally diſſolved, 149. Charles II. proclaimed, 156. Review of internal circumſtances at this period, 158. Great plague of London, 225. Fire of London, 231. The popiſh plot, x. 4. Solemn embaſſy to Rome, 177. The Engliſh make applications to the prince of Orange, 195. His declaration, 204. The king embarks for France, 215. Convention-parliament, 218. State of parties, 221. The crown ſettled on the prince and princeſs of Orange, 228. Reflections on this revolution, *ib.* Remarks on the adminiſtration of the Stuart family, 229. Finances, navy, commerce, wealth, and manners, 232—239. Royal ſociety, 240. Learned men at this period, *ib.*

Entails, allowed, iii. 81. Owners of eſtates empowered to break them, iv. 243. Important effects of this ſtatute, *ib.*

Epiſcopacy,

Epiſcopacy, is aboliſhed in Scotland, vii. 51. Abjured in England, 259. Reſtored, x. 185. Tacitly reſtored in Scotland, 189.

Eſſex, hiſtory of the Saxon kingdom of, i. 64.

——, Cromwel earl of. See *Cromwel*.

——, the young earl of, his military enterpriſes, vi. 234. 300. 309. 325—330. Made earl marſhal, 330. His lofty ſpirit and raſh conduct, 335. His reſentment on receiving a blow from Elizabeth, 336. Sent to Ireland under the title of lord lieutenant, vii. 10. His formidable army and extenſive powers, 11. His unſucceſsful expedition into Munſter, 13. His ſudden journey to London, and conference with the queen, 15. Committed to cuſtody, 16. Examined before the privy council, 19. His defence, *ib.* His ſentence, 20. His intrigues againſt the queen, 23—25. Maintains a correſpondence with James of Scotland, 25. Enters into a conſpiracy, 27. Sallies out into the city, 29. Surrenders, 30. Tried and condemned, *ib.* 32. Executed, 33. His character, *ib.* The counteſs of Nottingham's treachery towards him diſcovered, 47. Amount of the queen's gifts to him, 70. His letter on receiving the blow from Elizabeth, vi. 371.

——, Devereux, the young earl of, marries the lady Frances Howard, vii. 143. Her obſtinate averſion to him, *ib.* The ſecret motive of his diſguſt, 144. Encourages the oppoſition of the commons to Charles I. viii. 160. Made general of the parliament's army, 184. His military operations during the civil wars, 194. 196—199. 202. 205. 209, 210 217. 219, 220. 236. 245, 246. Reſigns his command in conſequence of the ſelf-denying ordinance, 255. Dies, 301.

——, earl of, is made treaſurer, x. 39. Enters into Monmouth's conſpiracy, 109. Apprehended, 114. His extraordinary death, 124.

Eſtates. See *Entails*.

Etching, the art of, by whom invented, x. 237.

Ethelred, brother and ſucceſſor of Edward the Martyr, his reign, i. 130—144.

Ethelwolf, king of England, hiſtory of, i. 79—83.

Eveſham, battle of, ii. 325.

Evidence, ſtate of, under the Anglo-Saxon law, i. 212.

Evil, who firſt touched for it, i. 173.

Europe, influence of the free conſtitutions of the Germans on the governments of, i. 189. State of, at the commencement of

of the cruſades, 274. At the acceſſion of Henry II. ii. 63. The balance of power in, well ſecured at the commencement of the reign of Henry VIII. iv. 256. Great alteration in, at the commencement of the 17th century, vii. 104. Liberties of the people in, how abridged, 171. Revival of letters in, 248. State of, at the time of Cromwel, ix. 83.

Exchange, royal, by whom firſt built, vii. 78.

Exchequer, court of, primitive inſtitution of, ii. 245. Appeals to, in what caſes anciently allowed, 247. Extraordinary inſtances of bribery, and the ſale of juſtice, 252. Black book of, its origin, iii. 33. Divided into four diſtinct courts, 80. Shut up by Charles II. ix. 285.

Exciſe, firſt introduction of, viii. 235.

Excluſion-bill, againſt James duke of York, x. 41. Arguments for and againſt it, 67. Paſſed by the commons, and rejected by the lords, 70.

Excommunication, by the eccleſiaſtical courts in Scotland, the nature of, explained, vii. 160.

Executions of criminals, extraordinary number of, under Henry VIII. and great decreaſe of, ſince, vii. 319.

Exeter beſieged by Perkin Warbec, iv. 225.

F

FAERIE Queen, a character of that poem, vii. 86.

Fog, a member of the houſe of commons, his caſe, ix. 331.

Fairfax, a character of his tranſlation of Taſſo, vii. 250.

———, lord, commands for the king in the north, viii. 204. Defeated, 222. Secures York, ix. 145. His death and character, 284, *note*.

———, ſir Thomas, a parliamentary general, his ſucceſſes, viii. 221. 238. 240. 242. 244. Appointed general, 255. His character, 256. Farther ſucceſſes, 280. 282. 285. His moderation on finiſhing the war, 296. The king is ſeized and brought to the army without his knowledge, 307. Appointed general in chief, 317. His lady interrupts the trial of the king, 349. How detained from reſcuing the king from execution, 356. Reſigns, ix. 32.

Falkirk, battle of, iii. 65.

Falkland, lord, killed, viii. 220. Summary of his life and character, *ib.* Is the firſt who affords any regular definition of the Engliſh conſtitution, 372.

Famines in England, i. 141. 215. ii. 47. 250. iii. 98. 117.

Faſtolf, ſir John, his ſucceſs, iv. 18. Is diſgraced, 26.

Fawkes,

Fawkes, Guy, brought to England to execute the gunpowder-plot, vii. 113. Apprehended, 116. Diſcovers the conſpiracy, *ib.*

Felton, John, for what executed, vi. 148.

——, his motives for attempting the life of Buckingham, vii. 306. Stabs the duke at Portſmouth, 307.

Ferdinand, king of Arragon, his character, iv. 235. Acquires the epithet of *Catholic*, 258. Glories in outwitting his neighbours, 259.

Feudal ſyſtem, its introduction into England, i. 237. Extended to the church, 238. State of, at the acceſſion of Stephen, ii. 37. Diſorders occaſioned by, 137. Its operation, 207. Its origin, 227. The nature of it, 229. The civil ſervices implied under it, 233. State of the common people under it, 236. Its operation on hereditary and elective monarchies, 236. Decienſion of, iii. 286. Advantage of, in the early ages, iv. 155. The decay of, to be dated from the revival of the arts, 157. Inſtance of the barons being ſenſible of this, 158, *note*.

Feverſham, earl of, defeats the duke of Monmouth, x. 150. His cruelty after the battle, 151.

Fictions in law, when invented, and their uſe, iii. 80.

Fifteenths, and tenths, the nature, amount, and method of levying them, vii. 234. Changed into a land-tax, 235.

Finch, ſpeaker of the commons, forcibly held in the chair by Valentine, Hollis, &c. until a remonſtrance is paſſed againſt tonnage and poundage, vii. 319. Impeached, and flies, viii. 82.

Fines, &c. ſcandalous advantages made of, by the Anglo-Norman kings, ii. 252. Arbitrarily exacted by Henry VII. iv. 213. 232.

—— and recoveries, when introduced, iv. 243.

Firſt-fruits, when firſt levied, iii. 82.

Fiſher, biſhop of Rocheſter, attainted, v. 42. Impriſoned, 56. His cruel treatment, 57. Created a cardinal, 58. Beheaded, *ib.* Extract from his ſpeech on ſuppreſſing the monaſteries, 329.

Fitton, chancellor of Ireland, his character, x. 176.

Fitz-Harris, his caſe, x. 82. Impeached, 84. Tried and executed, 86.

Fitz-Richard, mayor of London, joins the barons againſt Henry III. ii. 310. Puniſhed, 328.

Fitz-Stephens, and Fitz-Gerald, undertake an expedition to Ireland, ii. 104. See *Strongbow*.

Five mile act paſſed, ix. 226.
Flammoc, T. heads an inſurrection againſt Henry VII. iv. 219. Defeated and executed, 222.
Flanders, ſtate of, at the time of Edward III. forming his pretenſions to France, iii. 143. Licentious popularity of d'Arteville, 144. All commerce with, prohibited, iv. 210. The *Intercurſus magnus*, or great treaty of commerce, concluded, 224. A neutrality ſtipulated with, by Henry VIII. v. 22. See *Netherlands* and *United Provinces*.
Fleetwood, his ſpeech on granting patents, vi. 153.
———, colonel, obtains the government of Ireland, ix. 102. Oppoſes Cromwel's accepting the title of king, 108. Cabals againſt Richard, 126. Inſtances of his fanaticiſm, 142.
Fleſh meat, ſtatute prices of, under Henry VIII. v. 178.
Flouden, battle of, iv. 276.
Fontarabia, fruitleſs expedition to, iv. 260.
Fontraille, a French officer, his gallantry, iv. 272.
Foreigners, their ſuperiority to the Engliſh in arts, v. 175. Inſurrection againſt, *ib.* Edict againſt, 176.
Foreſts, laws and charters concerning, ii. 172. 257. 266. iii. 55, 56.
Forma pauperis, ſuits in, granted to the poor, iv. 241.
Foreſt, friar, burnt for hereſy in Scotland, v. 125.
Fotheringay-Caſtle, Mary queen of Scots tried there, vi. 252. Is executed there, 273.
Fox, Richard, his character, iv. 173. His riſe and advancement, *ib.* Introduces Wolſey to Henry VIII. 267. His advice to Henry on his retiring, 284.
——, George, his enthuſiaſtic diſpoſition, ix. 160. Founds a new ſect, who are denominated Quakers, *ib.*
France, is invaded by the Normans, i. 77. 136 Character of the Normans, 176. ii. 9. State of, at the acceſſion of Henry II. of England, 56. Normandy ceded to Lewis IX. 304. The province of Guienne how recovered by, iii. 30. Guienne reſtored, 59. Cruel treatment of the Knights Templars, 115. Inquiry into the Salic law, 139 Edward III. aſſumes the title of king of, 145. Battle of Crecy, 177. Invaded by Edward and the Black Prince, 193. Battle of Poictiers, 198. Confuſed ſtate of, on the king's captivity, 201, 202. Invaded by Edward, 205. Peace of Bretigni, 207. John releaſed, 208. He returns to London, and dies, 209. State of the kingdom at this period, 210. Prepares to

to invade England, iii. 245. Motives to this invaſion, 246. State of, at the commencement of Henry V.'s war with that kingdom, 314. Diſtractions in, 316, 317. 325. 329. Treaty of Troye, 330. Reflections on this treaty, 331. State of France at the acceſſion of Henry VI. of England, iv. 4. Amazing tranſactions of Joan d'Arc, 19. Reflections on the management of the war, 39. A truce, 43. State of France at this juncture, 48. Renewal of the war, 49. State of, at the time of Henry VII. of England, 186. 201. War with, by Henry VII. 202. Invaded by Henry VIII. 271. War declared againſt, by England, 315. Battle of Pavia, and captivity of Francis, 330. Peace of Cambray, v. 22. Battle of St. Quintin, 310. General conſternation at this event. *ib.* Peace of Cateau Cambreſis, vi. 16. Perſecution of the reformers, 37. Summary view of the civil wars, 60. A maſſacre of the Hugonots concerted, 81. Maſſacre of Paris, 176. Henry III. aſſaſſinated, 306. Henry IV. renounces the proteſtant faith, 318. Aſſaſſinated, vii. 135. Character of the early writers in, 248. Its conduct towards England, during the troubles of, ix. 84. Improvement of, under Lewis XIV. 85. Alliance with Cromwel, 112. Treaty of the Pyrenees, 135. Joins the Dutch in the war with England, 226. Treaty of Breda, 238. How it became formidable by ſea, 336. Peace of Nimeguen, 359. Ambitious ſchemes, and haughty behaviour of Lewis XIV. x. 130. Revocation of the edict of Nantz, and its conſequences, 161.

Francis I. of France, his character, iv. 281. His character contraſted with that of the emperor Charles V. 297. Viſited by Henry VIII. 300. His frank diſregard of formality, 301. Grand tournament, 302. War declared againſt, by Henry, 315. Worſted in Italy, 316. The duke of Bourbon revolts, and enters the emperor's ſervice, 324. Beſieges Pavia, 328. Defeated and taken priſoner, 330. His letter to his mother, 331. Carried to Madrid, 336. Recovers his liberty, 338. Challenged by Charles to ſingle combat, *ib.* Peace of Cambray, v. 34. Endeavours an accommodation between the pope and Henry, 37. Renews his friendſhip with Henry, 60. Concludes a truce with Charles, 91. Refuſes Henry's propoſal towards marriage with Mary of Guiſe, 112. Invaded by Charles and Henry, 151. Equips an armament for a deſcent on England, 155. Peace with Henry, 158.

Francis, dauphin of France, is married to the young queen of Scotland, v. 316. Becomes king, and exaſperates Elizabeth by aſſuming the title of king of England, vi. 19.

Francis, father, is recommended by James II. to Cambridge for a degree, but refuſed, x. 180.

Frederic, elector palatine, is married to Elizabeth, daughter of James I. vii. 140. Offered the crown of Bohemia, 173. His misfortunes, 174. 181. 191. 214.

French language, its prevalence in England after the conqueſt, i. 242. The uſe of, in law proceedings aboliſhed, iii. 233.

Frobiſher, ſir M. cruizes againſt the Spaniards, vi. 311. Killed, 321. Attempts to diſcover a north-weſt paſſage, vii. 73.

Fulk, curate of Neuilly, his bold counſel to Richard I. ii. 146.

G

GAINSBOROW, battle of, viii. 222.

Galileo, compariſon between, and lord Bacon, vii. 252.

Gardiner, biſhop of Wincheſter, oppoſes the reformation, v. 49. Foments a cruel perſecution of heretics, 121. Endeavours to procure an impeachment of queen Catherine Parr, for hereſy, 163. Oppoſes the ſteps toward reformation, 188. Remonſtrates againſt religious innovations, 190. Committed to the Fleet, *ib.* Committed to the Tower, 217. Deprived, and cloſely confined, *ib.* Releaſed by Mary, 260. His generous aſſiſtance to Peter Martyr, 263. Made chancellor, 268. His counſel concerning the Spaniſh match, *ib.* Debates on puniſhing heretics, 286. Procures Rogers to be burnt for hereſy, 291. Engages Bonner and others to perſecute the reformers, 292. Dies, 290.

Gardening, and garden ſtuff, when introduced into England, v. 175.

Garnet, a Jeſuit, engages in the gunpowder-plot, vii. 113. Executed, 117. Regarded in Spain as a martyr, *ib.*

Garter, inſtitution of that order, iii. 180.

Gavaſton, Piers, favourite of Edward II. his character and hiſtory, iii. 86—93.

Gavelkind, origin of, i. 216. In the Iriſh cuſtoms, how regulated, vii. 137. Is aboliſhed there, *ib.*

Gauls, their ancient manners, i. 23. See *France*.

Gaunt, John of. See *Lancaſter*.

——, Mrs. her cruel fate, x. 154

Geography, ſtrange inſtances of the ignorance of the Engliſh in, at the time of Edward III. iii. 234.
Gerard, and his followers, cruel treatment of, ii. 100.
———, Baltazar, aſſaſſinates the prince of Orange, vi. 229.
———, and Vowel, two royaliſts, executed for a conſpiracy againſt the protector, ix. 76.
Germans, ancient, a character of, i. 34. Their government, 34. 189. Their manners, 74. Flock over into Britain, 39. Their religion, 46. Are the founders of the feudal law, and on what principles, ii. 227. The nature of their eſtabliſhments, 228.
Germany, how divided under the feudal ſyſtem, i. 177. Free nature of the ſeveral ſtates in, 189. The Anglo-Saxon criminal law traced from, 205. Commencement of the reformation in, v. 310. Succeſſes of Guſtavus king of Sweden there, viii. 5. Treaty of Weſtphalia, ix. 83. League of Augſburg, x. 192.
Ghent, the treaty called the pacification of, vi. 189. Is taken by Lewis XIV. ix. 354.
Gibſon, a preacher, curſes James VI. in his pulpit, vi. 240.
Glamorgan, earl of, his commiſſion from Charles I. with regard to Ireland, viii. 289. Concludes a ſecret treaty with the council of Kilkenny, *ib.* Vindication of the king from the charge of authoriſing this ſecret treaty, 379.
Glaſs, manufacture of, when brought into England, x. 237.
Glendour, Owen, his inſurrection in Wales, iii. 293.
Gloceſter, when firſt erected into a biſhopric, v. 97.
———, Robert, earl of, defeats Stephen, and takes him priſoner, ii. 47.
———, earl of, confederates againſt Henry III. ii. 296. Joins the royal party, 308. Dies, *ib.*
———, Gilbert, earl of, ſon to the former, joins Leiceſter, ii. 308. Takes Henry priſoner at the battle of Lewes, 316. Fined for violences committed on Bohun earl of Hereford, iii. 25.
———, duke of, uncle to Richard II. his character, iii. 236. Supplanted by Robert de Vere earl of Oxford, 246. His violent conduct, 247—268. Appealed againſt in the houſe of peers, 261. Murdered, 267. His revenue, 340.
———, Humphry, duke of, brother to Henry V. left regent of England, iii. 336. Fatal conſequences of his marriage with the counteſs of Hainault, iv. 12. His dutcheſs tried

tried for witchcraft, 45. Murdered, 46. His character, *ib.*

Gloceſter, Richard, duke of, brother to Edward IV. reported to have ſtabbed prince Edward, ſon of Henry VI. iv. 113. Left regent of the kingdom, 127. His character and views, 128. Made protector, 131. His extraordinary behaviour in council, 133. Declares his brother illegitimate, 136. Procures Dr. Shaw to eſtabliſh this point in a ſermon at St. Paul's, *ib.* Ill ſucceſs of this ſcheme, 137. Accepts the crown as a popular tender, 138. Orders the murder of Edward V. and the duke of York, *ib.* See *Richard* III.

———, duke of, youngeſt ſon of Charles I. his father's diſcourſe to him before his execution, viii. 353. Sent abroad by Cromwel, 362. His death and character, ix. 182.

Godfrey of Boüillon, created king of Jeruſalem, ii. 5

———, ſir Edmonbury, murdered, x. 13. His death not to be accounted for, 15. Green, Berry, and Hill, tried and executed for this murder, 30.

Godwin, earl, his hiſtory, i. 149—163.

Goodwin, ſir Francis, his ſeat in parliament vacated on account of outlawry, vii 102. Reſtored by the houſe, *ib.* Diſputes on this occaſion, *ib.*

Gorges, ſir Ferdinando, returns from Dieppe with his ſhip, contrary to orders, vii. 263.

Goring, his variable conduct, viii. 117, 118. 174. 193. His letter to the king intercepted, 282.

Goſſiping, among women, a proclamation againſt, v. 176.

Government, the feudal frame of, introduced by the Norman conqueſt, i. 237. Firſt beginnings of the popular frame of, in England, iii. 38. The will of the monarch never abſolute, iv. 160 That of England, in the time of Elizabeth, compared with that of Turkey, vii. 57. Remarks on, with reference to the caſe of king Charles I. viii. 359.

———, eccleſiaſtical, a review of, during the reign of James I. vii. 224.

Gourdon, a Norman archer, wounds Richard I. ii. 170. His noble reply to Richard, *ib.* His cruel fate, *ib.*

Gower, barony of, commotions excited among the barons, by the ſeizure of, from John de Mowbray, iii. 100.

Gowry, earl of, tried and executed, vi. 219.

Granville, ſir John, his negotiations for reſtoring Charles II. ix. 140. 151. 155.

Gray, the lady Elizabeth, her hiſtory, iv 92. Married to Edward IV. 93. Honours conferred on her family, 94. Retires with her children into a ſanctuary, 130. Her marriage declared invalid by Gloceſter, 135. The princeſs Elizabeth married to Henry VII. 174. Suppoſed to be privy to the inſurrection of Simnel, 177. Dies in confinement, 179.

——, lady Jane, married to the lord Guildford Dudley, v. 249. Appointed to the ſucceſſion, 252. Her amiable character, 255. Unwilling to accept the offer of the crown, *ib.* Proclaimed, 256. Deſerted by the council and people, 258. Returns to private life, *ib.* Taken into cuſtody, 259. Sentence paſſed upon her, *ib.* Executed, 275. Her noble behaviour and dying declarations, 276.

——, lady Catharine, committed to the Tower by Elizabeth, where ſhe dies, vi. 55.

Great Harry, the firſt ſhip of the royal navy, iv. 248.

Greek language, how imported and cultivated in Europe, iv 248.

Greenland, when diſcovered, vii. 242.

Greenville, ſir R. c rcumſtances of his death, vi. 370.

Gregory the Great, pope, ſpecimens of his talents in punning, i. 48. His intemperate zeal againſt paganiſm, *ib.* Sends Auguſtine into Britain, 49. His ſolution of caſes of conſcience, 51. His injunctions to Auguſtine, 52.

—— VII. pope, his ambitious character, i. 250. His uſurpations, 251. Prohibits the marriage of prieſts, 253. Projects a confederacy againſt the Mahometans, 272. See *Cruſades*.

—— IX. pope, a character of his Decretals, ii. 337.

Greſham, ſir T. builds the Royal Exchange, vii. 78.

Griffin, ſecond ſon to Lewellyn prince of Wales, his hiſtory, ii. 309.

Grindal, archbiſhop, is perſecuted in the Star-chamber for favouring the puritans, vi. 224.

Gualo, the pope's legate, receives Henry III.'s homage to the ſee of Rome, ii. 265.

Guelf and Ghibbelin, riſe of theſe factions, i. 251.

Guiana. See *Raleigh*.

Guienne, province of, mortgaged to William Rufus, i. 283. Edward I. deprived of, iii. 30. Ineffectual attempts of the Engliſh to recover, *ib.* Reſtored to Edward I. 59. Homage done for it by Edward II. 87.

Guinegate, battle of, iv. 272.

Guiſe,

Guiſe, duke of, takes Calais from the Engliſh, v. 267. Inſtigates the claim of his niece Mary of Scotland to the crown of England, vi. 18. He and his family engroſs all the authority of the French government, 36. Forms an alliance with Philip II of Spain, 61. Aſſaſſinated, 68.

——, duke of, ſon of the former, his character, vi. 161. Maſſacre of Paris, 176. Forms the famous catholic league, 182. Revives the league, 230. Is with his brother aſſaſſinated, 306.

——, Mary of, marries James V. of Scotland, v. 112. Brought to-bed of the princeſs Mary, 137. Her converſation with Edward VI about his marriage with her daughter, 314 Appointed regent, 315. Gains the goodwill of the Scots, *ib.* The young queen Mary married to the dauphin, 316. Protects the Engliſh reformers, vi. 20. Aſſembles an army to ſuppreſs the proteſtant riots, 25. Improbable violence of expreſſion charged upon her, 27. Grants the Congregation a toleration, 28. Deprived of the regency by them, 30. Her death and character, 33.

Gunpowder, when invented, iv. 249.

Gunpowder-plot, a hiſtory of, vii. 112. The conſpiracy diſcovered, 113. The conſpirators puniſhed, 117.

Guſtavus, king of Sweden, his character and exploits, viii. 5. Killed at the battle of Lutzen, 6.

H

HABEAS Corpus act paſſed, x 43. The perſonal ſecurities afforded by this ſtatute, *ib.*

Hainault, Jaqueline counteſs of, her character and that of her huſband the duke of Brabant, iv. 11. Enters into a precipitate marriage with the duke of Gloceſter, 12. Fatal conſequences of this meaſure, *ib.* Her contract with Gloceſter annulled, 14.

Hales, ſir J. refuſes to ſign the patent for the ſucceſſion of lady Jane Gray, v. 252. Impriſoned, and kills himſelf, 261.

——, ſir E. proſecuted on the teſt act, x. 163.

Halidown-hill, battle of, iii. 137.

Halifax, marquis of, his character, x. 102. His reception by James II 140. Choſen ſpeaker of the houſe of peers on the king's flight, 213.

Hambden, John, prevented from going to America, viii. 29. Tried for refuſing to pay ſhip-money, 34. Conſequences

of this trial, 37. His ſentence cancelled, 90. Impeached by the king, 164. Killed, 209. His character, 210.

Hambden, John, grandſon of the former, enters into Monmouth's conſpiracy, x. 112. Tried and fined, 123. Joins in the invitation to the prince of Orange, 196.

Hamilton, Patrick, burnt for hereſy, v. 124.

———, primate of Scotland condemns Mill the reformer to the flames, vi. 22. Extraordinary zeal of the people againſt this act of cruelty 23.

———, marquis of, ſent to treat with the Scots covenanters, viii. 48. Sent with a fleet and army againſt them, 55. Created a duke, 268. His conduct with regard to Montroſe, *ib.* His ſincerity in the king's cauſe, how rendered problematical, 269. Raiſes a Scots army in the king's favour, 332. Defeated and taken priſoner, 340. Tried and executed, 362.

———, duke, becomes head of a party againſt Lauderdale, ix. 365.

Hampton-court palace, built by Wolſey, iv. 335. The conferences concerning Mary queen of Scots adjourned thither from York, vi. 120. Subjects diſputed in a conference of divines there, vii. 95. 97.

Hanſe-towns, the inhabitants of, encouraged to ſettle in England, v. 238. Their privileges taken away, 239. Diſputes between the merchants of, and Elizabeth, vii. 74.

Hardicanute, ſon of Canute, his hiſtory, i. 152—155.

Harfleur beſieged and taken by Henry V. iii. 320.

Harlem, its vigorous defence againſt the Spaniards, and its inhabitants maſſacred in revenge, vi. 186.

Harold, king of England, his life and reign, i. 163—185. Battle of Haſtings, 186. Killed by an arrow, 187.

Harold Harefoot, ſon of Canute, his hiſtory, i. 152—154.

Harrington, character of his Oceana, ix. 172. His death, *ib.*

Harriſon, colonel, conducts Charles I. to London in order to his trial viii. 347. Appointed one of the king's judges, 348. Detains Fairfax in prayer till the king is executed, 356. Tried and executed, ix. 180.

Harvey, Dr. diſcovers the circulation of the blood, ix. 172. His death, 173.

Haſtings, battle of, i. 186.

———, lord, extraordinary murder of, iv. 134.

———, lady, refuſes to become empreſs of Muſcovy, vii. 73.

Hatton,

Hatton, sir Ch. His exhortation to Mary queen of Scots, to submit to trial, vi. 251. Made chancellor, 283.
Haukes, Thomas, burnt for heresy, v. 294.
Havre de Grace, is delivered up to Elizabeth, vi. 62. Surrendered, 70.
Haxey, a member of parliament, anecdote of, iii. 354.
Hayward. See *Bacon*.
Hazelrig, sir A. particulars concerning him, viii. 29. 164. ix. 6, *note*, 111. His character, 144.
Hengist and *Horsa*, account of, i. 36—39.
Henrietta, princess of France, married to Charles I. vii. 255. Her character, viii 8. Threatened with an impeachment, 173. Goes to Holland, 176. Brings over a reinforcement to the king, 210 Impeached, 240. Flies to France, 285. Her distressed situation there, ix. 85.
Henry, youngest son of William the conqueror, seizes England on the death of Rufus, his brother, ii. 6.
—— I. grants a charter of liberties, ii. 7. Review of this charter, 9. Severe treatment of his barons, 14. Disputes concerning investitures, 17. Defeats Lewis king of France, 27. Review of his government, 31 His death and character, 34. Particulars of a charter given by him, granting to London the privileges of a corporation, 36.
——, son of the empress Matilda, and grandson of Henry I. born, ii. 34. His succession to the crown confirmed by Stephen, 54. His continental possessions at his accession, 58.
—— II. the first act of his government, ii. 60. His acquisitions on the continent, 62. His wars in France, 64. Opposes the encroachments of the clergy, 66. Determines to check clerical usurpations, 74. Constitutions of Clarendon, 75. Inhibits all appeals to the pope, 85. An accommodation prevented by the inflexibility of Becket, 87. Associates his son Henry with him in the regal dignity, 91. His perplexity on the murder of Becket, 97. Imposes a tax for the holy war, 100. Expedition to Ireland, *ib.* Ireland subdued, 105. Receives absolution for Becket's murder, 108. His present flourishing situation, 109. His sons revolt, 111. Confines his queen, *ib.* Appeals to the pope against his sons, 112. Does penance at Becket's tomb, 118. Exacts homage of William king of Scotland, *ib.* Reforms the administration of justice, 123. Punishes the murderers of Becket, 124. His son Henry revolts again,

again, 127. His grief for his death, 128. Engages in a cruſade, 130. War between him and Philip of France, 131. Dies 134. His character, 135. Miſcellaneous tranſactions in his reign 136. Manners of his court, *ib* His vigilance in correcting diſorders 137. Inſtance of his reputation for juſtice, 138. Commutes perſonal ſervice in war, 139. Remits Danegelt, 140. His iſſue, *ib.* See *Thomas à Becket.*

Henry, eldeſt ſon of Henry II. aſſociated with his father in the kingdom, ii. 91. His repartee to his father at his coronation, 110. Revolts againſt his father, 111. Reconciled, 121. Dies, 128.

—— III. his acceſſion, ii. 265. Does homage to the pope, *ib.* Grants a new charter of liberties, 265. And a renewal of the great charter, 273. His conteſt with his brother Richard, 276. His character, *ib.* His imprudent encouragement of the Poictevins, 278. His plea for not obſerving the great charter, 279. Marries Eleanor daughter of the count of Provence, 280. His bounties to her relations, *ib.* 281. Diſguſts among the people, 282. His remark on the wealth of the Londoners, 284. Threatened with excommunication, 287. Commotions among the clergy, 289. Again threatened with excommunication, *ib.* His incapacity for quieting the diſcontents of the barons, 291. Bold remonſtrances of his parliament 292. His ſarcaſtical reply to a deputation of prelates, 294. His diſputes with Montfort earl of Leiceſter, 295. His barons aſſemble in parliament, dreſſed in armour, 297. The ſovereign authority veſted in a council of twenty-four barons, 298. His proceedings againſt this council, 307. Authoriſed by parliament to reſume the government, *ib.* Affairs of Wales, 308—310. Farther diſputes with the barons, 311—316. Battle of Lewes, 316. Battle of Eveſham, 325. Conſequences of this battle, 326. Dies, 330. His character, *ib.* His piety, 331. His children, *ib.* Laws enacted during his reign, *ib* State of commerce, 333. High intereſt of money, 334. Extortions upon the Jews, *ib.* Bad internal police, 336.

—— IV. (See *Hereford* and *Lancaſter.*) Remarks on his title to the crown, iii. 288. Inſurrection in Wales, 292. Seizes Edinburgh, 294. Defeats and kills young Piercy, 297. Foments diviſions in France, 301. Parliamentary tranſactions, *ib.* Attempts to adopt the Salic law, 303.

His

His death, 306. His character, *ib.* His marriages and children, 307. Annual expenſe of his houſehold, 308. State of commerce, *ib.*

Henry V. eldeſt ſon and ſucceſſor to Henry IV. the cauſe of his youthful extravagancies, iii. 308. His ſudden reformation, 310. Cobham ſeized and executed, 313. His large demands on France, 317. Conſpirators executed, 319. Invades France, *ib.* Battle of Azincour, 321. Compared with thoſe of Crecy and Poictiers, *ib.* 323. Invades France again, 326. Marries the princeſs Catharine, 332. Returns to England, *ib.* Dies, 336. His character, *ib.* Miſcellaneous tranſactions, 337. His ſcanty revenues, 338.

—— VI. comes to the crown an infant, iv. 3. Crowned at Paris, 30. His character on arriving at manhood, 43. Married to Margaret of Anjou, 44. Normandy and Guienne loſt, 50. Pretenſions of the duke of York to the crown, 52. His title how defended, 62. How anſwered by the partiſans of York, 63. Marches to oppoſe the duke of York, 67. His imbecility of mind increaſes, 69. Taken priſoner, 70. Reinſtated, 71. Reconciliation between the two parties, 72. Taken priſoner, 74. The duke of York's right determined, 77. Retaken by queen Margaret, 79. Depoſed, 80. Reflections on this event, *ib.* Miſcellaneous tranſactions, 81. Impriſoned in the Tower, 91. Reſtored, 106. Again in the power of Edward, 110. His death, 113.

—— VII. his acceſſion, iv. 162. His title to the crown, 163. His joyful reception, 167. His coronation, 168. His cautious entail of the crown, 170. Attainders of the York party, 171. Reflections on, 172. Tonnage and poundage, *ib.* His choice of miniſters, 173. Married to Elizabeth, daughter of Edward IV. 174. Birth of prince Arthur, 175. His government unpopular, 176. Revolt of Ireland under Simnel, 178. Defeats Simnel's general, 182. Entertains Simnel as a ſcullion, *ib.* State of foreign affairs, 184. Affairs of Britanny, 190—199. Promiſes his parliament to claim the crown of France, 201. Carries over an army, 202. Peace with France, 203. Perkin Warbec's conſpiracy, 208—212. 225—228. Oppreſſes his people by arbitrary fines, 213. Careſſes lawyers, and curbs his nobility, *ib.* Diſcontents in Ireland, 215. Poynings' memorable ſtatute, *ib.* Inſurrection in Cornwal, 219.

Executes

Executes the young earl of Warwic, 228. Reflections on this execution, *ib.* His excuse for it, *ib.* Marries prince Arthur to Catherine of Arragon, 230. The prince dies, *ib.* Marries her to his second son, Henry, *ib.* Marries his eldest daughter Margaret to James IV. of Scotland, 231. His remark on this connexion, *ib.* His present situation, *ib.* His avarice, and oppression of his people by Empson and Dudley, 232. Their modes of extortion, *ib.* His great wealth, 234. Visited by Philip king of Castile, 235. His remorse for his oppressions, and his deeds of atonement, 238. Yet continues his extortions, *ib.* His death and character, *ib.* 239. More absolute than any former king, 240. The people's submission accounted for, *ib.* His laws, and the memorable events of his reign, 240—248. How he lost the honour of the discovery of America, 247. The nation rejoiced at his death, 250.

Henry, second son of Henry VII. created prince of Wales, iv. 231. Marries Catherine of Arragon, his brother Arthur's widow, *ib.*

—— VIII. the general satisfaction at his accession, iv. 250. His personal qualifications, *ib.* His choice of ministers, 251. His taste for gaiety and pleasure, *ib.* Punishes the instruments of his father's oppressions, 252. Motives to the consummation of his marriage with Catherine of Arragon, 254. War with France, 259. Wolsey introduced to him, 267. The maxims inculcated by Wolsey, *ib.* Invades France in person, 271. The emperor Maximilian serves under him, and receives pay, *ib.* Defeats the Scots at Flouden, 277. Peace with Scotland, *ib.* Peace with France, 279. His disgust against Francis I. 290. Forms pretensions to the empire, 296. Visited by the emperor, 299. 315. Visits Francis, 300. His delicacy towards him, *ib.* His return of Francis's familiarity and confidence, 301. Grand tournament, *ib.* Visits the emperor, 302. Alliance against Francis, 307. Writes against Luther, 311. Receives the title of *Defender of the Faith* from the pope, *ib.* War with France, *ib.* Operations against Scotland, 317. Imposes arbitrary taxes, 320. Levies grants before the stipulated time, 322. Alliance with Louise, regent of France, 331. Levies taxes without his parliament, 333. Discontents of the people, *ib.* Joins the holy league, 339. Declares war against the emperor, 342. His scruples with regard to his marriage, v. 3. Becomes enamoured

enamoured with Anne Boleyn, 6. Trial of his marriage, 10. 13. 15. Diſgraces Wolſey, 17. Pardons him, 20. His inducements to break off all connexions with Rome, 20. Examination into the queſtion of marriage within affinity, 26. Refuſes the pope's ſummons to appear at Rome, 27. Perſecutes his clergy, 30. The convocation acknowledges his ſupremacy, *ib.* The commons reject a bill to ſecure his right of wardſhips, &c. and his conduct thereupon, 31. His marriage with Anne Boleyn, 34. Act againſt all appeals to Rome, *ib.* His marriage with Catherine declared invalid, 35. Birth of the princeſs Elizabeth, 36. Accident which produced his final breach with the pope, 38. Declared ſupreme head of the church, 42. Was the moſt abſolute prince in Europe, 48. His hatred toward the reformers accounted for, *ib.* His courtiers, how diſpoſed with regard to the reformation, 49. *The holy maid of Kent*, 56. Execution of biſhop Fiſher and ſir T. More, 57, 58. Is deſirous of a reconciliation with the pope, 59. Excommunicated, 60. Death of Catherine of Arragon, and her dying letter to him, 61. Suppreſſion of the monaſteries, 68. 92. Becomes jealous of queen Anne, 72. Enamoured with lady Jane Seymour, 73. The queen's letter, 327. Trial of the queen, 75. Marries the lady Jane Seymour, 79. Articles of faith framed by convocation, and corrected by him, 82. His ſkill in conducting the alterations in religion, *ib.* Inſurrections, 86, 87. His manifeſto againſt them, 89. Prince Edward born, and the death of the queen, 90. Allows only ſingle copies of the bible to be chained in ſome churches, 92. Pillages the ſhrine of Thomas à Becket, and burns his bones, 96. Erects ſix new biſhoprics, 97. The rage expreſſed againſt him by the court of Rome, 98. Obſtinately attached to the doctrine of the real preſence, 102. Diſputation with Lambert, *ib.* Bill of the ſix articles, 106. The parliament grants the force of laws to his proclamations, 108. Grants a general poſſeſſion of the bible, 111. Demands Anne of Cleves of her father, 113. Sees her privately, and diſlikes her, *ib.* Marries her, 115. His diſguſt increaſes, *ib.* Complains to parliament of the diverſity of religions, *ib.* Diſſolves the order of knights of Malta, 116. Lady Catherine Howard, 118. Commits Cromwel to the Tower, *ib.* Cromwel's moving letter to him, *ib.* Divorced from Anne of Cleves, 119. Marries Catherine

Catherine Howard, 121. Perſecutes the reformers, *ib.* The queen's diſſolute conduct, 127. The queen attainted, 128. And executed, 130. Ireland erected into a kingdom, 332. Commiſſion to eſtabliſh a religion for the nation, 131. His *Inſtitution of a Chriſtian Man*, 132; and *Erudition of a Chriſtian Man*, ib. 144. Prohibits the lower claſſes to read the ſcriptures, 133. Reviews and alters the maſs-book, *ib.* War with Scotland, 135. Death of James, 138. Propoſes a marriage between prince Edward and the infant queen of Scotland, *ib.* Marries Catherine Par, 145. His regal ſtyle ſettled, 148. Requires new loans, 149. Extorts a benevolence, *ib.* Burns Edinburgh, 150. Paſſes over to France, 151. Groſs flattery of parliament to him, 156. His ſpeech on proroguing it, 157. His high encomium on the duke of Suffolk, 159. The queen's tender care of him in his illneſs, 162. Orders her to be impeached for hereſy, 163. Her prudent caution in evading this danger, *ib.* Trial and execution of Surry, 166. Orders Norfolk for execution, 167. Dies, 168. His behaviour at his death, *ib.* The ſucceſſion, how ſettled by his will, *ib.* His character, 169. Rigorous and contradictory ſtatutes againſt hereſy and treaſon, 171. His military laws, 172. Tonnage and poundage, 173. Commerce, 174. Laws to reſtrain the decay of tillage, 178. His attention to the advancement of literature, 179. See *Wolſey*.

Henry, prince of Wales, eldeſt ſon of James I. his death and character, vii. 139.

—— II. of France, his character, v. 193. His conduct toward the proteſtant league, *ib.* Battle of St. Quintin, 310. Calais taken, 311. Peace of Cateau Cambreſis, vi. 16. Solicits the excommunication of Elizabeth, 18. Killed, 19.

—— III. of France, his character, and firſt views on his acceſſion, v. 181. Declares himſelf head of the catholic league, 182. Sends a ſplendid embaſſy to Elizabeth, 206. Declares war againſt the Hugonots, 230. Driven from Paris, *ib.* Aſſaſſinated, 306.

—— IV. of France, his acceſſion, vi. 306. Receives aid from Elizabeth, to oppoſe the catholic league, 307. Battle of Yvrée, *ib.* Receives freſh aſſiſtance from Elizabeth, 308. 310. Motives for changing his religion, 317. Renounces the proteſtant faith, *ib.* His new ſyſtem of poli-

cy

cy for Europe, vii. 36. His paſſionate admiration of the picture of Elizabeth, 322. Aſſaſſinated, 135.

Henry VI. emperor of Germany, his ignominious treatment of Richard I. ii. 161. Richard's ſpirited behaviour, 163. Conſents to releaſe Richard, 165. Richard's narrow eſcape, 166.

Heptarchy, Saxon, eſtabliſhment of, i. 43.

Herbert, attorney-general, impeached, viii. 174.

Hereford, Humphrey de Bohun, earl of, confederates againſt Edward I. ii. 296. His quarrel with the king, iii. 62. Obtains a confirmation of the charters, 54. Joins the confederacy againſt Gavaſton, 92.

———, Henry, duke of, accuſes the duke of Norfolk, iii. 264. Duel between them ſtopped by the king, 266. Baniſhed, *ib.* Succeeds his father in the dukedom of Lancaſter, 267. See *Lancaſter*, and *Henry* IV.

Hereſy, an act to apprehend the preachers of, iii. 282. Repealed, *ib.* The repeal ſuppreſſed by the clergy, *ib.* Law of the ſix articles, v. 106. Commiſſion to extirpate it, v. 296. Poſſeſſion of heretical books rendered capital, 297. Number of perſons burnt for, *ib.*

———, perſons burnt for: W. Sautree, iii. 291. A Lollard, 305. Bainham, v. 52. T. Bilney, 53. Lambert, 105. Four Dutch Anabaptiſts, *ib.* Dr. Barnes, Jerome, and Gerard, 122. Abel, Fetherſtone, and Powel, *ib.* P. Hamilton, 124. Anne Aſcue, N. Belenian, J. Laſſels, and J. Adams, 162. Wiſhart, 195. Joan Bocher, and Van Paris, 218. Rogers, prebendary of St. Paul's, 291. Biſhop Hooper, 291. Sanders, 292. Taylor, *ib.* Archdeacon Philpot, *ib.* Biſhops Ferrar, Ridley, and Latimer, 293. Hunter, 294. T. Hawkes, *ib.* A woman at Guernſey and her infant, *ib.* Archbiſhop Cranmer, 307. Mill, vi. 22. Two Arians, vii. 224. A madman, *ib.*

Heretics, old law for burning of, repealed, x. 239.

Herrings, battle of, iv. 18.

Hertford, marquis of, anecdotes of, viii. 193. Battle of Lanſdown, 207.

Hexham, battle of, iv. 90.

High commiſſion, origin of that court, vi. 225. Its great power and arbitrary exertion of it, *ib.* Its powers extended, 227. vii. 53. The commons remonſtrate againſt this court, 132. One eſtabliſhed in Scotland, 162. Offences cognizable by this court, 220. Its authority moderated,

derated, 220. Aboliſhed, viii. 51. 125. Revived, x. 171.
Highlanders, and Iriſh, the ſame people, i. 285.
Highways, firſt toll for repairing, iii. 232. Firſt general law for the repair of, by pariſh duty, v. 323.
Hiſtorians, monkiſh, a character of, i. 44.
Hiſtory, ancient, cauſes of its uncertainty, i. 21. 36.
Hobbes, his philoſophy and politics, ix. 172. His death, *ib.*
Holland. See *Netherlands* and *United Provinces*.
Holling ſhed, curious extracts from, v. 323. 330.
Hollis. See *Finch*. His ſentence, vii. 320. Impeached by the king, viii. 164. Propoſes the declaring the generals of the parliamentary army traitors, 243. Made a lord by Charles II. ix. 175. Agrees to favour the intrigues of France, but refuſes to accept a bribe, ix. 381.
Holy Land. See *Cruſades*.
Homeldon, battle of, iii. 294.
Homilies, twelve, publiſhed v. 190. Gardiner's objections to them, 191. Slaviſh principles inculcated by, vii. 65.
Hooper, biſhop, impriſoned, v. 271. Burnt, 292. His ſcruples at conſecration, and the compromiſe he obtained, vi. 120.
Hops, the planting of, increaſed under James I. vii. 242.
Horn-caſtle, battle of, viii. 222.
Horſes forbid to be exported by Henry VII. iv. 244.
Hoſpitality, cauſes and effects of the decay of, vii. 82.
Hotham, ſir J. is by the commons made governor of Hull, viii. 174. Refuſes the king admittance, 183. Executed, 227.
Hotſpur. See *Piercy*.
Howard, ſir Edw. ravages the coaſt of France, 269. Killed, *ib.* His idea of naval courage, *ib. note*.
———, lady Catherine. See *Henry* VIII.
———, lady Frances. See *Carre*, *Eſſex*, *Overbury*. Dies in obſcurity, vii. 152.
———, lord, his evidence againſt lord Ruſſel, Alg. Sidney, and Hambden, x. 116. 122. 125.
Hubert, is executed for the murder of Darnley, vi. 123.
——— de Burgh, chief juſticiary, his character, ii. 277. His removal from the miniſtry, and ſubſequent viciſſitudes, *ib.*
Hudibras, the event on which that poem was founded, ix. 159. Character of that performance, x. 244.

Hudſon's Bay company, its charter when granted, x. 237.
Hugonots, or French proteſtants. See *Condé*, *Guiſe*, &c.—Battle of Dreux, vi. 63. Of St. Dennis, 160. A ſcheme for ſeizing Condé and Coligni, *ib.* Battle of Jarnac, *ib.* Of Moncontour, 162. Queen of Navarre poiſoned, 176. Maſſacre of Paris, *ib.* Take arms again, 182. Catholic league, 182. War declared againſt them again, 230. Aſſiſted by Elizabeth, 305. Siege of Rochelle, vii. 263. 309. A toleration continued to them, *ib.* Revocation of the edict of Nantz, x. 161.
Hunter, an apprentice, burnt for hereſy, v. 293.
Huſbandry, remarks on the regulations to promote it, enacted by Henry VII. iv. 246.
Huſs, John, burnt for hereſy, iii. 338.
Hyde, ſir Edward. See *Clarendon*.

J

JAMAICA taken from the Spaniards, ix. 92.
James I. of England, examination into his pretenſions to the crown, vii. 87. His profuſe diſtribution of titles, 89. His partiality to his countrymen, *ib.* A conſpiracy, 93 Why averſe to the puritans, *ib.* Summons a parliament, 98. Caſe of ſir Francis Goodwin, 102. His miſtaken notions of government and prerogative, 105. Public-ſpirited attempts of the commons, 107. Deſirous of an union between the two kingdoms, *ib.* Why ignorant of foreign politics, 111. Penal laws againſt papiſts, 112. Gunpowder conſpiracy, *ib.* His ſpeech to parliament on this occaſion, 118. His religious ſentiments, 119. Remarks on his ſpeech in favour of the union, 121. Cauſes of the poverty of the crown, 126. How induced to arbitrary exertions of his prerogative, 128. A ſpirit among the commons for reforming the conſtitution, 130. Owns proclamations not to be equal to laws, 131. Founds a college at Chelſea, 228. Plan for civilizing Ireland, 136. Marries the princeſs Elizabeth to the elector palatine, 140. Rapid promotion of Carre, *ib.* 146. Raiſes money by the ſale of titles, 147. His indiſcretion in political converſation, 150. George Villiers, 151. Orders a ſtrict inquiry into the affair of Overbury, 152. Pardons Somerſet and his lady, 153. His conduct extenuated, *ib.* Creates Villiers duke of Buckingham and lord high admiral, 154. His motives for delivering up the cautionary towns, 155.

Eccleſiaſtical affairs of Scotland, 157—164. Allows ſports and exerciſes on Sunday, 164. Executes Raleigh, 170. His reply to the repreſentation of grievances, 178. Fall of Bacon, 179. Redreſſes grievances, 181. The commons remonſtrate againſt the Spaniſh match, 182. Reproves them, 183. They repeat their remonſtrance *ib.* Tears the proteſtation out of the journals, 185. Remarks of both parties on theſe diſputes, 187. His want of ſpirit ridiculed abroad, 191. His efforts to conclude the Spaniſh match, 192. Tranſactions with regard to it, 196—206. War with Spain, 208. Sends forces to aſſiſt the Dutch, 213. Dies, 216. His character, *ib.* Character of his queen, 217. The number of peers created by him, 218. Review of manners, 228. His liberality, 233. His attention to the navy, 239. His averſion to tobacco, 245. His character as a writer, 253. His reaſon for expelling Matthews from the houſe of commons, 334. His notions of regal power, 338. Inquiry into his conduct in the caſe of Raleigh, 339. Remarks on his adminiſtration, 347. The general notions of the Engliſh government at this time, 351. Advantages derived from his peaceable diſpoſition, 355.

James II. his acceſſion and firſt profeſſions, x. 137. Goes publicly to maſs, 139. Sends an agent to the pope, *ib.* His reception of the excluſioniſts, 140. His ſpeech to parliament, 142. Monmouth's rebellion, 147. His undiſguiſed and peremptory language to parliament, 158. His imprudence with reſpect to religion, 161. Diſpenſing power, 163. Brings four popiſh lords into the council, 167. His violent meaſures for eſtabliſhing popery in Ireland, 168. Declaration of indulgence, 173. Solemn embaſſy to Rome, 177. Four catholic biſhops conſecrated, 178. Conteſt with Magdalen-college, 181. 188. Commits ſix biſhops, with the primate, to the Tower, 184. Birth of the prince of Wales, 188. His army and navy mutiny, 201. Retracts his meaſures, 203. The prince of Orange lands, 205. His chief officers and ſoldiery deſert him, 207. Deſerted by prince George and the princeſs Anne, 208. His conſternation, *ib.* Iſſues writs for a new parliament, 209. Flies, 212. Seized, and brought back to London, 214. Embarks for France, 215. His character, 216.

James I. of Scotland taken priſoner by Henry IV. iii. 300. Murdered, iv. 8.
—— II. of Scotland, his conduct, iv. 87. How killed, *ib.*
—— III. of Scotland, his character, iv. 184. Murdered, 202.
—— IV. of Scotland, receives Perkins Warbec, iv. 218. Marries Margaret, eldeſt daughter of Henry VII. 231. Defeated, and killed, 276.
—— V. of Scotland, refuſes to concur with his uncle Henry VIII. in ſhaking off the yoke of Rome, v. 45. Perſuaded by Henry to join him in his religious innovations, 126. Diſaffection of his nobility, 136. Battle of Solway, 137. His death and character, 138.
——, prince, ſon of Mary queen of Scotland and lord Darnley, born, vi. 87. His mother forced to reſign the crown, 108. See the next article.
—— VI. of Scotland, crowned, an infant, vi. 108. His party openly eſpouſed by Elizabeth, 174. 180. Seized by an aſſociation of the nobility, 212. Receives an embaſſy from Elizabeth, 213. Makes his eſcape, 218. Writes a copy of verſes in praiſe of ſir P. Sidney, 237. Leagues with Elizabeth, 239. Licentiouſneſs of his clergy 240. Remonſtrates againſt the execution of his mother, 275. His behaviour on this event, 277. Negotiates to enſure his ſucceſſion to England vii. 25. Appointed heir to the Engliſh crown, 47. See *James* I. of *England*.
Jarnac, battle of, vi. 160.
Icon Baſilike, of Charles I. an inquiry into its authenticity, viii. 363. A character of the work. 364.
Jefferies, lord chief juſtice, procures the conviction of A. Sidney, x. 123. His cruelty 153. Made chancellor and a peer, 156. Declines in favour, 180. Killed, 213.
Jephſon, colonel, makes a motion in parliament for giving Cromwel the title of king, ix. 101.
Jerome of Prague burnt for hereſy, iii 338.
Jeruſalem, conquered by the Arabs, i. 272. By the Turks, *ib.* Taken by the cruſaders, ii 5.
Jeſuits, motives of the eſtabliſhment of that order, vi. 203. Character of, *ib.* Campion executed, 205. Five executed, x. 46.
Jews, a character of them, ii. 143. How they came to practiſe uſury, *ib.* Maſſacres of, 144. 311. Oppreſſions againſt, 257. 334. iii. 7.

Images, when they began to be worſhipped, i. 76.
Impriſonment, arbitrarily inflicted by officers of ſtate during the reign of queen Elizabeth, vii. 54. 62.
Incident in Scotland, account of, and its effects, viii 131.
Incloſures, obſervations on the law of Henry VII. againſt, iv. 246. An inſurrection for the deſtruction of, vii. 124.
Independents, riſe and character of that party, viii. 247. Adopt republican principles, 249. Reduce the parliament under ſubjection to the army, 320. Obtain the entire command of the parliament, 344.
Indulgence, declarations of, ix. 207. 286. 311. x. 173. 183.
Indulgences, why the ſale of them promoted, iv. 309. The produce from, how applied *ib* See *Luther*. Not productive of a total diſſolution of morality, 359. A large cargo of, taken, vi. 311.
Innocent III. pope, his character, and ſtate of the papacy, ii. 180. His conduct on a double election to the ſee of Canterbury, 191. His myſterious preſent to John, 192. Lays the kingdom under an interdict, 194. Excommunicates John, 198. Offers John's kingdom to Philip of France, 200. His private inſtructions to Pandolf, his legate to Philip, 201. Annuls the great charter by a bull, 220
Intereſt of money, when firſt regulated by law, v. 179. Declared illegal, 243. The rates of, how limited in the time of Elizabeth, vii. 78. In the reign of James I. 232.
Inveſtitures, diſputes concerning, i. 249. ii. 18. Artifices of the popes, to annex the privileges of, to the papacy, 191.
Joan D'Arc, commonly called the *Maid of Orleans*, her hiſtory previous to her public actions, iv. 19. Her ſubſequent hiſtory, 20—30 Review of her conduct, 31. Tried for ſorcery, 32. Condemned, 33. Burnt, 34.
John, fourth ſon of Henry II. his father's kind intentions in his favour, ii. 109. His father's grief on finding him a party in his brother Richard's revolt, 134. Bounty of Richard I. to him, ii 142. Claims the kingdom of England, as heir to his brother, whom he reported to be dead, 163. Openly acknowledges his alliance with Philip, *ib.* His treachery to Philip, 168. His acceſſion, 176. His nobles refuſe to attend him to France, 178. But are intimidated, 179. Violates his engagements to Philip, *ib.* Takes young Arthur, duke of Britanny, priſoner, 181. His conference with Arthur, *ib.* Kills him, *ib.* Generally deteſted for this cruel act, 182. Sentenced to forfeit

ſcit all his royalties in France, 183. Reſigns himſelf to a ſtupid inactivity, 184. Normandy loſt, 187. Oppreſſes his barons, *ib.* Remarks on his behaviour, 188. His rage on the pope's appointing Langton to the primacy, 193. The kingdom interdicted, and the immediate conſequences of it, *ib.* His retaliation, 195. Cruel treatment of William de Braouſe's wife and ſon, 197. Excommunicated, *ib.* Deſerted by his biſhops and nobility, 199. His ſubjects abſolved for their allegiance, *ib.* His kingdom offered by the pope to Philip of France, 200. Reſigns his kingdom to the pope, 201. His mean homage to Pandolf, *ib.* His cruel reſentment to Peter of Pomfret, 203. His abject ſubmiſſions to Langton, 205. The interdict taken off, 206. His barons confederate, 208. Appeals to the pope againſt them, 210. Signs the great charter, 213. Makes farther conceſſions, 217. Receives forces from abroad, with the pope's bull againſt the great charter, 220. The barons offer the kingdom to Lewis of France, 222. Is defeated by the French ſoldiers, *ib.* Dies, 224. His character, *ib.* His children, 225. Granted the firſt charter to London, 226. His cruel extortion of money from a rich Jew, 335.

John, king of France, defeated and taken priſoner at Poictiers, iii. 198. Nobly treated by Edward, 199. Carried to London, 200. Recovers his liberty, 207. Returns to England, and dies, 209.

——, don, of Auſtria, projects a marriage with Mary queen of Scots, vi. 189. Poiſoned, as ſuppoſed, by Philip, 191.

John of Gaunt. See *Lancaſter*.

Jonſon compared with Shakeſpeare, vii. 250.

Jones, Inigo, is proſecuted by the parliament for aſſiſting in rebuilding the cathedral of St. Paul, ix. 167.

Journals of the houſe of commons, when they firſt began to be regularly kept, vii. 124.

Joyce, cornet, ſeizes Charles I. viii. 307.

Ireland, an expedition againſt, by Henry II. ii. 100. State of, at that time, 101. Granted to Henry II. by the pope, 103. See *Dermot*, *Strongbow*, and *Fitz-Stephens*. Improper conduct of the Engliſh with regard to, 106. Grievouſly oppreſſed by them, iii. 98. Annual expenſe of, to England, in the reign of Henry V. 340. Revolts under the pretenſions of Simnel, iv. 178. Poynings ſent to reduce the malcontents, 215. His memorable ſtatute, *ib.* Ineffectual attempts upon, by Warbec, 217. Erected into a kingdom,

dom, v. 332. Imperfect dominion of England over, vii. 2. Cruel treatment of the natives, *ib.* Hiſtory of Shan Oneal, 6. Account of the earl of Thomond, 7. Tyrone's rebellion, 8—45. The civilization of, undertaken by James I. vii. 136. *Brehon law*, ib. Gavelkind and taniſtry, 137. Theſe cuſtoms aboliſhed, and the Engliſh laws introduced, *ib.* Colonies planted in Ulſter, 138. The plan of civilization confirmed by Charles I. viii. 132. Puritanical opinions and popular pretenſions of the Engliſh proteſtants there, 133. A conſpiracy to expel the Engliſh, 135. Maſſacre of the Engliſh in Ulſter, &c. 138. 141. The rebels defeated, 229. Diſtreſſed ſtate of the kingdom, 230. Glamorgan's treaty, 289. A new rebellion, ix. 9. Cromwel choſen lord lieutenant, 12. His rapid ſucceſſes, *ib.* Reduced by Ireton, 48. View of the adminiſtration there, under the protectorate, 103. The native Iriſh confined to Connaught, 258. Court of claims, 259. An intended inſurrection ſuppreſſed, 260. The cattle of, prohibited from being imported into England, *ib.* Violent meaſures of king James in favour of popery, x. 168. The offices of government filled with catholics, 177.

Ireland, father, executed for the popiſh plot, x. 28.

Ireton, ſon-in-law to O. Cromwel, his character, viii. 325. ix. 48. His ſpeech againſt farther treaty with the king, viii. 328. His cruelty on taking Colcheſter, 342. Appointed one of the judges to try the king, 348. Left commander in chief in Ireland, ix. 31. His ſucceſſes there, 48. Dies of the plague, *ib.*

Iſabella, wife of king John, her hiſtory, ii. 177. 281. Henry III.'s bounty to her children, 281. They are baniſhed, 299.

———, wife of Edward II. her character, iii. 87. Her intimacy with Mortimer, 107. Engages in a conſpiracy againſt the king, *ib.* Lands with an army, 108. Joined by the barons *ib.* Her declaration, 109. Calls a parliament, which depoſes Edward, 110. Is confined, 130.

Italy, its defenceleſs ſtate when invaded by Charles VIII. of France, iv. 215. Italian politics at that period, 216. State of, at the acceſſion of Henry VIII. 254. The powers of, confederate againſt Francis I. of France, 325. The French driven out of, 327. Character of the writers of, on the revival of learning, vii. 248.

Judges, itinerant, why firſt appointed, ii. 247. Their anſwer to the queſtion reſpecting attainders, v. 109. Patents given them during good behaviour, viii. 126. Four diſplaced by James II. x. 166.
Judgment of God, in the Anglo-Saxon law, what, i. 212.
Julius III. pope, his joy at the return of England to its obedience to the church of Rome, v. 282.
Juries, origin of the appointment of, i. 99.
Jurors puniſhed by fine and impriſonment for finding a verdict contrary to the direction of the judges, vii. 57.
Jury, a liſt of the puritanical names of, at the time of the commonwealth, ix. 69, *note*.
Juſtice of peace, the firſt inſtitution of that office, iii. 79.
Juſticiary, chief, that office when aboliſhed, iii. 79.
Jutes, where they ſettled in Britain, i. 39, *note*.
Juxon, made bp. of London and treaſurer, viii. 22. Reſigns, 103. Attends Charles I. at his execution, 354.

K

KENT, hiſtory of the Saxon kingdom of, i. 44.
——, earl of, brother to Edward II. engages in a conſpiracy againſt him, iii. 108. Executed, 129.
Kildare, deputy of Ireland, dies in priſon, v. 44. His ſon, with five uncles, executed, *ib.*
Kilkenny, council of, a ceſſation agreed with, viii. 231. Glamorgan's treaty, 289. Engages to aſſiſt the king, ix. 8.
Kilſyth, battle of, viii. 286.
Kimbolton lord, takes part with the commons againſt Charles I. viii. 160. Impeached by the king, 164.
King of England, view of his power as a feudal prince, ii. 233. Naturally favoured by the common people, 236. Heard cauſes perſonally in their court, 245. All who act under the authority of him for the time being, indemnified from future attainder, iv. 214. Obſervations on this law, *ib.* Extent of his power at the time of Henry VII. 240.
Kirke, colonel, his ſavage cruelty, x. 152.
Kirkpatrick, the creſt and motto of that family, iii. 76.
Knights, how formerly diſtinguiſhed in battle, ii. 173.
Knights of ſhires, firſt appointed, ii. 298.
Knox, John, the Scots reformer, remarks on his account of the murder of Beaton, v. 196, *note*. Arrives in Scotland from Geneva, vi. 25. Inſpires the people with zeal againſt popery, 25. Becomes chief director of the *Congregation of the Lord*, 28. Inſtigates the people and preachers to inſult queen

queen Mary, 44. His inſolent ſpeeches to Mary on her kind overtures to him, 45. Defends the outrages committed in the queen's chapel, 48. Inſults Darnley on his marriage with Mary, 77.

L

LABOUR, the price of, attempted to be reduced by parliament, iii. 231. And commodities, remarks on the comparative prices of, at the time of Henry VII. and now, iv. 245.

Lambert, controverts the real preſence, v 103. Henry VIII.'s diſputation with him, *ib.* Is burnt, 105.

———, is diſappointed of the lieutenancy of Ireland, by the intrigues of Cromwel, ix. 12. Battle of Worceſter, 39. Cromwel appointed protector by his means, 71. Oppoſes the motion for giving Cromwel the title of king, 105. Engages in the cabal of Wallingford-houſe, 127. Suppreſſes an inſurrection of royaliſts, 133. Expels the parliament, 134. Committed to the Tower, 143. Eſcapes, 154. Taken, *ib.* Tried, 202. Reprieved, and confined in Guernſey, 205.

Lancaſter, Thomas, earl of, his character, opulence, and power, iii. 88. Heads a confederacy of barons againſt Gavaſton, *ib.* Raiſes an army againſt the king, 92. Puts Gavaſton to death, 93. Combines againſt the Deſpenſers, 100. Oppoſes the king with an army, 103. Is defeated and executed, *ib.* His character, 104.

———, John of Gaunt duke of, ſon to Edward III. his great authority during the minority of Richard II. iii. 238. His pretenſions to the crown of Caſtile, *ib.* 246. His palace burnt by the rabble, 242. Succeeded by his ſon the duke of Hereford, 266. See *Hereford*.

———, Henry duke of, his character, iii. 266. Executes ſome of Richard II.'s miniſters, 269. Procures his depoſition, 275. His challenge of the crown, *ib.* Reflections on his pretenſions, *ib.* See *Henry* IV.

Langborne, his trial for the popiſh plot, x. 47.

Langſide, battle of, vi. 110.

Langton, cardinal, appointed archbiſhop of Canterbury, ii. 192. Rejects king John's propoſals towards an accommodation, 199. Receives the king's ſubmiſſions, 205. His character, 208. Is cited to Rome, and ſuſpended, *ib.* See *Barons*.

Lanſdown, battle of, viii. 207.

Latimer, biſhop, reſigns his biſhopric and is impriſoned, v. 107. Again impriſoned, 261. Burnt, 293.

Laud, biſhop of London, his character, viii. 9. Introduces new ceremonies, &c. 10. 14. Offered a cardinal's hat, 10. His behaviour in conſecrating a church, 11. Exalts the regal authority, 14. Made archbiſhop of Canterbury, 22. Impeached, 81. Tried, 263. And executed, 265. Retroſpect of his conduct and character, *ib.* 266.

Lauderdale, duke of, his advice concerning Scotland, ix. 187. 189. Obſtructs the union, 269. Is one of the *cabal* miniſtry, 270. His character, 271. His being employed, voted a grievance, 318. His violent adminiſtration in Scotland, 364. His private conduct, 366. His death, x. 129.

Law, the firſt written code of, in England, i. 52.

——, the ſtudy of, anciently confined to the clergy, ii. 246.

——, civil, the early reception and ſtudy of, in our univerſities, iv. 155. Motives for its reception, *ib.* Why not the municipal law of England, 156.

——, the common, firſt riſe of, i. 101.

——, criminal, among the Anglo-Saxons, i. 205.

——, feudal, origin of, ii. 227. Its introduction to England, 233.

Laws and proclamations, difference of, vii. 131.

League, catholic, hiſtory of, vi. 182. 230. 307. 321.

—— and covenant, ſolemn, framed at Edinburgh, viii. 226. Received by the Engliſh parliament, 227. Renounced by the Scots parliament, ix. 191. Burnt by the hangman, 194.

Learning, decline of, iv. 154. Its loweſt point of depreſſion, *ib.* Gradual recovery of, *ib.* Circumſtances which tended to the revival of, 248. State of, in Elizabeth's reign, vii. 84. Remarks on the ſtate of, in Greece, 247. Revival of, in Europe, 248. In England, *ib.*

Legatine court, erected by cardinal Wolſey, iv. 294.

Legitimacy of birth. See *Baſtardy*.

Leiceſter, taken by Charles I. viii. 279. Retaken, 280.

——, Simon de Montford, earl of, his hiſtory, ii. 295. His diſputes with Henry III. *ib.* Enters into a confederacy with the barons, 296. 308. Leagues with Lewellyn prince of Wales, 309. Levies war on the king, 310. His meſſage to the king how anſwered, 315. Defeats Henry at Lewes, and takes him priſoner, 316. His imperious behaviour, 318. Ruins trade, and encourages piracy, 319.

Menaced

Menaced with excommunication, 320. Appoints members to be ſent by the boroughs to parliament, 321. Reflections on this event, *ib.* His treatment of prince Edward, 323. Defeated and killed at Eveſham, 325. His character and conduct, 326.

Leiceſter, Dudley earl of, propoſed as a huſband to Mary queen of Scots, vi. 72. His character, *ib.* Suſpected of murdering his wife, to make way for his expectations of obtaining Elizabeth, *ib.* Declines the propoſal of Mary, 73. His marriage diſcovered to the queen, 206. Forms an aſſociation for the protection of the queen, 222. Commands the forces ſent to the United Provinces, 234. Adviſes the poiſoning of queen Mary, 248. His conduct complained of in Holland, 281. Dies, 309. His magnificent manner of living, vii. 80.

Leighton, is ſeverely ſentenced in the ſtar-chamber, viii. 18. Obtains damages, 89.

Leipſic, battle of, viii. 6.

Lenox, Matthew Stuart earl of, patroniſes the proteſtant intereſt in Scotland, v. 147. Marries Henry VIII.'s niece, 151. Implores juſtice for the murder of his ſon, vi. 93. 121. Claims the regency, 109. Choſen governor of Scotland, 145. Put to death, 174.

——, count d'Aubigney created earl of, vi. 199. Cauſes Morton to be tried and executed, *ib.* The kindneſs of James to his family, 213.

Lentha', choſen ſpeaker of the long parliament, viii. 77. His anſwer to the king's inquiry after the five members, 166. Deſires protection from the army, 318. Reinſtated, 319. Choſen ſpeaker under the protectorate, ix. 78. Reſumes his place at the reſtoration of the long parliament, 129. Prevented from going to parliament by Lambert, who puts an end to it, 134. Continues ſpeaker at its ſecond reſtoration, 143.

Leo X. pope, his character, iv. 263. His motives to the ſale of indulgences, 308. Beſtows the title of *Defender of the Faith* on Henry VIII. 311. Dies, 314.

Leſley, Norman, his gallantry, v. 154.

——, biſhop of Roſs, his conduct as one of Mary queen of Scots' commiſſioners, vi. 116. 121. 123. 148. Engages in Norfolk's conſpiracy, 169. Impriſoned, 171.

——, David, defeats Montroſe, viii. 286. Commands the Scots army againſt Cromwel, ix. 32. Defeated by him, 34.

Levellers, their plan for government, ix. 3.
Leven, Leſley earl of, marches with a Scots army againſt Charles I. viii. 228. Joins Fairfax, 238. Battle of Marſton-moor, 241. Takes Newcaſtle, 244. Reduces Carliſle, 284. The king puts himſelf into the hands of his army, 294. Surrenders the king, 300.
Lewellyn, prince of Wales, applies to Henry III. for protection againſt his rebellious ſon Griffin, ii. 309.
———, ſon to Griffin, ſucceeds his grandfather, ii. 309. Invades England, *ib.* Subdued by Edward I. iii. 11. Defeated and killed by Mortimer, 12.
Lewes, battle of, ii. 316. The *Miſe* of, 318.
Lewis the Groſs, king of France, defeated by Henry I. ii. 27. Was the firſt eſtabliſher of corporations, and with what view, 242.
—— VII. king of France, conference between him and Henry II. in relation to Becket, ii. 90. Exhorts the pope to excommunicate Henry, 98. His fraudulent behaviour, 115. 121. Makes a pilgrimage to Becket's ſhrine, 126.
——, eldeſt ſon of Philip of France, married to Blanche, niece of John king of England, ii. 177. The barons of England offer him the kingdom, 222. His tranſactions in England, 223. 268—270. 275.
—— IX. of France, his character, ii. 303. 329. His conduct towards the Engliſh, 303. Engages prince Edward in a cruſade, 329. Dies at Tunis, *ib.*
—— XI. king of France, his character, and ambitious views, iv. 96. Leagues with Warwic and queen Margaret, 102. Buys peace of Edward IV. 117. Tranſactions between them, *ib.* 118. Ranſoms queen Margaret, 119. Reflections on his conduct toward the duke of Burgundy, 120.
—— XII. of France, ſubdues Milan, iv. 229. Outwitted by Ferdinand of Spain, 255. Excommunicated by Leo X. 266. Concludes a treaty with Henry VIII. 278. Marries Henry's ſiſter, and dies quickly after, 280.
—— XIV. ſucceeds to the crown an infant, ix. 85. Treaty of the Pyrenees, 136. Joins the Dutch in the war with England, 226. His perſon and character, 244. His rapid conqueſts in the Low Countries, 246. 296. His haughty behaviour to the courts of Europe, *ib.* x. 130. Triple alliance, ix. 250. His demands from the Dutch, 299. Treats with Charles II. to reſtore popery, 381. Serves as a volunteer

lunteer under Conde, 333. His reception of Feversham sent with terms of peace, 351. Treaty at Nimeguen, 358. Revokes the edict of Nantz, x. 161. A league formed against him, 192. Informs James of the prince of Orange's schemes, 199. Receives James kindly on his abdication, 216. His great regard for literature, 240.

Liberty, civil, the revival of arts favourable to, iv. 188. The barons sensible of this, *ib. note.* A regular plan formed by the commons for the establishment of, vii. 259.

Lidington, Maitland of, sent by the *Congregation of the Lord*, to request assistance of Elizabeth, vi. 31. 36. Made secretary of state, 42. Enters into a confederacy to protect prince James, 102. Assists at the conferences concerning Mary, 116. Encourages Norfolk in the hopes of espousing Mary, 119. Supposed to have killed himself, 175.

Lilburne, prosecuted in the star-chamber, viii. 32. Obtains damages, 89. Imprisoned by the parliament, ix. 14. Tried and acquitted, 44. 76.

Lilliballero, on what occasion this song was made, x. 211.

Lincoln, John earl of, his family and character, iv. 180. Commands Simnel's army, and is killed, 182.

Lincolnshire, insurrection there, iv. 100.

Lindesay, earl of, signs a protestation against the liturgy, viii. 46. Mortally wounded, and taken prisoner, 198.

Lisle, lady, the cruel prosecution of, x. 154.

Literature, state of, in queen Elizabeth's reign, vii. 84.

Liturgy. See *Reformation*. Abolished, viii. 259. Again admitted, ix. 185.

Loans, arbitrarily exacted by Elizabeth, vii. 59. A general one required by Charles I. 277.

Lollards, their tenets, iii. 281. One burnt for heresy, 291. Another, 305. Prosecution of Cobham, 311. Points of reformation aimed at by them, *ib.* The doctrines of Luther embraced by them, iv. 311. See *Heresy* and *Reformation*.

London, a Roman colony there, destroyed, i. 27. Burnt, 80. Rebuilt, 92. Submits to William duke of Normandy, 220. Synods there, 249. ii. 32. Charter granted to, 36. Massacre of Jews, 145. Its first charter of incorporation, 226. Tumults, 310. 314. iii. 109. 110. v. 155. Number of inhabitants at the time of Stephen, ii. 341. Plagues there, iii. 190. vi. 70. vii. 98. 261. viii. 225. Its charter seized,

iii. 258. Royal Exchange, vii. 78. Number of foreigners in, 77. Number of inhabitants in James I.'s time, 98. Edicts againſt increaſing buildings in, 229. Brick buildings introduced, 238. Ship-money levied on it, 277. Petitions for a parliament, viii. 72; and a total alteration of church government, 95. The king comes to the common-council, 167. The city petitions parliament, as alſo the porters and apprentices, 171. Takes part againſt the king, 187. Refuſes an aſſeſſment to the long parliament, 147. Great fire, 231. Good effects of this calamity, 232. Diſputes about the election of ſheriffs, x. 60. 103. A writ of *quo warranto* iſſued againſt, 105. Conditions on which the charter was reſtored, 108. The mayor, &c. ſummoned to the convention parliament, 218.

London-bridge, when firſt finiſhed of ſtone, ii. 226.

Lopez, phyſician to Elizabeth, executed, vi. 320.

Lords, houſe of, their proceedings in ſettling the government during the minority of Richard II. iii. 237. Their proceedings againſt the miniſtry, 251. Irregularity of their judicial proceedings, 254. Tumults among, at the acceſſion of Henry IV. 289. Debate on the pretenſions of Richard duke of York, iv. 75. Their charge againſt Wolſey, v. 19. Frame the bill of ſix articles, 106. Their flattery to Cromwel, 116. Condemn him without trial, 118. Proteſt of lord Mountjoy, 144. Paſs a ſevere law againſt treaſon, 244. Frame a poor-bill, *ib.* Check the commons from debating on religious reformation, vi. 153. Refuſed a conference with the commons, 196. Diſpute concerning punctilios, 332. Number of lords in the houſe in the reign of James I. vii. 218. Remarks on their conduct during the diſputes between the king and commons, 297. Paſs the petition of right, 300. Threatened by the commons, viii. 159. Biſhops votes taken away, 173. The majority of the peers retire to the king at York, 184. For thoſe tranſactions wherein the remainder concur with the commons, ſee *Parliament*. Paſs the ſelf-denying ordinance, 255. Reject the vote of the commons for bringing the king to trial, 346. The houſe of, voted uſeleſs, and to be aboliſhed, 361. A houſe of, ſummoned by the protector, ix. 111. Their juriſdiction refuſed to be acknowledged by the commons, *ib.* The peers reſume their ſeats, 156. Biſhops ſeats reſtored, 194. Refuſe to commit Clarendon, 241. Vote Clarendon's letter to them a libel, 242. Diſputes

with the commons, 265. 279. 331. Endeavour to introduce a new teſt-act, 329. Admit an exception in favour of the duke of York in the new teſt-act, x. 22. Refuſe to commit Danby, 26. Paſs the bill of attainder againſt him, 35. Reſume the buſineſs of the popiſh plot, 36. The right of the biſhops to vote in Danby's caſe denied by the commons, 45. Reject the excluſion bill, 71. Free the popiſh lords, 146. Take the ſpeech of James II. into conſideration, 160. Aſſume the adminiſtration of government on the king's flight, 213. Deſire the prince of Orange to aſſume the government, 218. Debates on the queſtion of a new king or a regency, 223. Conference with the commons, 224.

Lords of articles, their inſtitution, viii. 129.

Lorn, lord, obtains the gift of his father's forfeiture, ix. 191. Condemned and pardoned, 252. Retroſpect of his life, x. 95. Created earl of Argyle, *ib.* See *Argyle*.

Lorraine, cardinal of, concerts a maſſacre of the French Hugonots, vi. 81. Founds a ſeminary at Rheims for the education of Engliſh Catholics, 203.

Loudon, lord, committed to the Tower, viii. 60. Made an earl, 132. Mediates between the king and parliament, 224. Does public penance for countenancing the royaliſts, 341.

Louiſe of Savoy, mother of Francis I. of France, her character, v. 323. Makes overtures of marriage to Charles duke of Bourbon, *ib.* A large preſent exacted of her by Wolſey, 333.

Low Countries, ſtate of, at the time of Henry VII. iv. 185. See *Netherlands* and *United Provinces*.

Ludlow, general, commands the army in Ireland, ix. 48. Engages in the cabal of Wallingford-houſe, 127.

Luſignan, Guy de, how he became king of Jeruſalem, ii. 153. Loſes his kingdom, *ib.* Made king of Cyprus, 157.

Luther, Martin, his character, and the motives of oppoſing the ſale of indulgences, iv. 310. Progreſs of his opinions in Germany, *ib.* His doctrines embraced by the Lollards, 311. Is wrote againſt by Henry VIII. *ib.* His ſharp reply to Henry's book, *ib.* The quick progreſs of his doctrines, owing to the art of printing, 312. Several of his diſciples take ſhelter in England, 237.

Luxury, laws againſt, in the reign of Edward III. iii. 233.

M

MACBETH, his hiſtory, i. 164.
Maccail, a Scots covenanter, his death, ix. 257.
Magdalen college, Oxford, its conteſt with James II. x. 181. 187.
Magna Charta. See *Charter of Liberties*.
Mahomet, a general review of the tranſactions of him and his followers, i. 271.
Mainfroy, a cruſade publiſhed againſt him, ii. 288.
Major-generals eſtabliſhed by Cromwel all over England, ix. 82. Their authority reduced, 104.
Maitland of Lidington. See *Lidington*.
Malta knights of, refuſe to ſurrender their revenues to Henry VIII. v. 116. Their order diſſolved, *ib*.
Manchester, earl of, appointed general of an aſſociation againſt Charles I. viii. 218. His military enterpriſes, 222. 240. 242. 246. Diſputes between him and Cromwel, 250. Goes as ſpeaker of the houſe of lords, to deſire protection of the army, 318. Appointed lord-chamberlain by Charles II. ix. 175.
Manners, a review of, in the thirteenth century, ii. 260. State of, in the reign of Edward II. iii. 120. During that of Elizabeth, vii. 80; and of James I. 228. During the time of the commonwealth, ix. 158. Great alterations in, produced by the reſtoration, x. 238.
Mansel, chaplain to Henry III. his pluralities, ii. 286.
Manufacture, ſtate of, in the reign of Elizabeth, vii. 77. In the reign of James I. 240. Great increaſe of, after the reſtoration, x. 236.
Manwaring, impeachment of, vii. 302.
Mar, earl of, choſen regent of Scotland, vi. 174. Dies of melancholy, *ib*.
Marche, count de la, his wife Iſabella taken from him, and married to king John, ii. 177. Excites commotions againſt John, 178. Taken priſoner, 181. Marries Iſabella on John's death, 281.
Margaret of Anjou, her character, iv. 44. 119. Married to Henry VI. 44. Defeats and kills the duke of York, 77. Defeated, 78. Defeats Warwic, *ib*. Regains poſſeſſion of the king, 79. Her army routed, 85. Endeavours to engag the Scots and France in her intereſt, 87. 89. Battle o

Hexham, 90. Her extraordinary adventure with robbers in a foreſt, *ib.* Enters into a league with Warwic, 102.

Margaret, daughter to Henry VII. married to James IV. of Scotland, iv. 231.

Marlebridge, laws enacted by parliament there, ii. 332.

Marriage with kindred, the queſtion examined, v. 25.

Marſhal's court aboliſhed, viii. 126.

Marſton-moor, battle of, viii. 241.

Martial law, arbitrary exertion of, by Elizabeth, vii. 53.

Martyr, Peter, withdraws from England, v. 263. Generouſly aſſiſted by Gardiner, *ib.* Indignities to his wife's body, *ib.*

Martyrs. See *Hereſy*.

Mary, princeſs, daughter of Henry VIII. excluded the ſucceſſion, v. 40. Illegitimated, 79. Reſtored to her right of ſucceſſion, 148. Adheres to the maſs, 219. Diſcuſſion of her title, 253. Her meaſures to ſecure the crown, 254. Lady Jane Gray proclaimed, 255. Mary's title acknowledged, 258. Affects popularity, 260. Her bigotry, 261. Impriſons the proteſtant biſhops, *ib.* Maſs celebrated before parliament, 264. All Edward's ſtatutes on religion repealed, *ib.* Cauſe of her animoſity againſt her ſiſter Elizabeth, 265. Declares her intention of reconcilement to Rome, 266. The Spaniſh match, 267—272. Inſurrections, 272. Execution of lady Jane and her huſband, 275. Diſarms the people, 277. Her fond anxiety for the arrival of Philip, 279. Married to him, 280. Unable to get him declared heir to the crown, or crowned, 283. Imagines herſelf pregnant, 284. Her rigour againſt hereſy, 291—297. Her oppreſſive extortions, 301. Raiſes money arbitrarily, 309. Cauſe of her illneſs, 320. Dies, *ib.* Her character, *ib.*

——, daughter of James V. of Scotland, contracted by prince Edward of England, v. 140. Married to the dauphin, 316. Aſſumes the title and arms of England, vi. 19. Treaty of Edinburgh, 33. Refuſes her aſſent to the parliamentary reformation of religion, 35. Refuſes to ratify the treaty of Edinburgh, 36. 39. Her huſband dies, 38. Refuſes to renounce her pretenſions to the crown of England, 39. Arrives in Scotland, 41. Her regret on leaving France, *ib.* Her character and accompliſhments, 42. Is expoſed to inſults for her adherence to the catholic religion, 43. Endeavours to gain the favour of John Knox, 45. Her life rendered unhappy through his inſolent conduct, *ib.* Her future

ture errors deducible in part from this cauſe, 46. Outrages committed on her chapel, 48. Elizabeth's reply to her claim of being declared her ſucceſſor, 50. Elizabeth inconſiſtently againſt the match with Darnley, 75. Reflections on her ſituation in being of a different religion from her people, 76. Exhorted by the general aſſembly to renounce the Romiſh religion, 77. Married to Darnley, *ib.* A confederacy againſt her, 78. Elizabeth's deceitful conduct, 79. Character of Darnley, 82. Incurs his reſentment, *ib.* Her attachment to Rizzio, *ib.* Rizzio aſſaſſinated, 84. Detained priſoner, 85. Her art in procuring her liberty, 86. Makes Darnley diſavow Rizzio's murder, and leaves him in diſdain, *ib.* Brought to bed of a ſon, 87. Elizabeth's behaviour on this occaſion, *ib.* Her intimacy with Bothwel, 91. Suſpected to have concerted the murder of Darnley with Bothwel, 93. Eſtabliſhes the proteſtant religion, 95. Marriage with Bothwel, 95—99. The people murmur, 100. A confederacy of nobility againſt her, 102. Puts herſelf into their hands, 103. Sent to Lochlevin, 104. Forced to reſign the crown, 108. Eſcapes, 109. An aſſociation formed in her favour, 110. Retires to England, *ib.* Required by Elizabeth to clear herſelf from the murder of her huſband, 113. Proceedings in the conferences held on this ſubject, 114—125. Refuſes to make any conceſſions, 126. A marriage with the duke of Norfolk propoſed to her, 134. Treaty with Elizabeth, 146. Elizabeth's inſincerity, 148. Enters into Norfolk's conſpiracy, 169. Elizabeth remonſtrates with her, 172. Her party in Scotland ſuppreſſed, 175. Writes a pathetic letter to Elizabeth, 215. Her propoſal of accommodation, 217. Schemes to diſcover her partiſans, 220. Enters into Babington's conſpiracy, 246. Conveyed to Fotheringay-caſtle, 249. Her anſwer to the information of her approaching trial, 250. Proved to have conſpired againſt her ſon James, 253. The commiſſioners ſentence her to death, 256. Her laſt letter to Elizabeth, 259. Her behaviour on being ordered to prepare for execution, 267. Is executed, 273. Her character, *ib.* Authenticity of her letters to Bothwel, 343. The counteſs of Shrewſbury's ſcandalous reports of Elizabeth communicated by her to the queen, 353. Her reſentment againſt her ſon, 355. Inquiry into the evidences of her engagement in Babington's conſpiracy, 357.

Mary,

Mary, lady, daughter of James duke of York, married to the prince of Orange, ix. 349. Concurs in the settlement of the crown on the prince, her husband, x. 227.

Mass book reviewed and altered, v. 133. Private masses abolished, 205. The mass revived, 261. Finally abolished, vi. 13.

Massey, his character, viii. 213. His vigorous defence of Gloucester, 218.

Matilda, daughter of Henry I. betrothed to the emperor Henry V. ii. 29. Asserts her pretensions against Stephen, 46. Stephen taken prisoner, 47. Her character, 50. Flies, 51.

Matrimony ordered to be solemnized by the civil magistrate, ix. 69.

Matthews, case of his expulsion from parliament, vii. 334.

Maurice, prince, son of the elector palatine, offers his assistance to Charles I. viii. 196. Shipwrecked, ix. 47.

Maximilian, his conduct as emperor, iv. 256. Leagues with Henry VIII. and Ferdinand against France, 266. Serves under Henry, and receives pay from him, 271. Allies with Spain and France, 278. His death, and the competition for the imperial dignity, 296.

Mazarine, cardinal, temporises with Cromwel, ix. 86. His compliment to Cromwel, 114. Refuses to see Charles II. 137.

Meal-tub plot, x. 57.

Medicis, Catherine de, appointed regent of France, vi. 38. Remarks on her plan of internal administration 60. Comes to an agreement with Elizabeth, 70. Concerts a massacre of the French protestants, 81. See *Huguenots*. Massacre of Paris, 176.

Melvil, James, assassinates cardinal Beaton, v. 195. His behaviour applauded by Knox, 196.

———, sir James, his conversation with Elizabeth concerning Mary of Scotland, vi. 73. His character of Elizabeth, 74.

Members for Counties. See *Commons*.

Merchants grant impositions on merchandize, iii. 346.

Merchant-adventurers, society of, when formed, iii. 83.

Mercia, history of the Saxon kingdom of, i. 60.

Michelson, the Scots prophetess, account of, viii. 53.

Middlesex, earl of, his character, vii. 209. Is impeached, *ib.*

Middleton, earl, his arbitrary conduct in Scotland, ix. 253.

Military ſervice, origin and nature of, explained, ii. 228. Changed into pecuniary ſupplies, iii. 32.

Militia, firſt eſtabliſhment of, i. 92. Regulated by Henry II. ii. 124. Feudal, iii. 32. Perſonal ſervice changed into pecuniary ſupplies, *ib.* Conſequences of this alteration, 36. Law of Mary for regulating, v. 322. State of, during the reign of Elizabeth, vii. 76. In the reign of James I. 237. Hiſtory of the militia bill in the reign of Charles I. viii. 175—179. Eſtabliſhment of, on the reſtoration, ix. 211. State of, between the reſtoration and revolution, x. 235.

Mill, Walter, burnt, vi. 22. See *Hamilton*.

Millenarians, their principles, ix. 3.

Milton, John, his opinion of the monkiſh hiſtories of Britain, i. 44. His character as a writer, ix. 169. His Paradiſe Loſt, how reſcued from oblivion, *ib.* Remarks on the fate of the author, 170. His death, *ib.*

Mitchel. See *Sharpe*.

Miſe of Lewes, the treaty ſo termed, ii. 318.

Monarchies, hereditary and elective, a comparative view of, under the feudal ſyſtem, ii. 236.

Monaſteries ſubjected to the king's regulations, v. 40. Reflections on their tendency, 65. Great abuſes charged upon them, 66. 93. Suppreſſed, 68. 92. Diſcontents excited by the diſperſed monks, 84. Their reliques expoſed, 94. The number ſuppreſſed, and amount of their revenues, 96. Their hoſpitality, 97. Three abbots executed for treaſon, *ib.* Curious paſſage from Coke relating to the ſuppreſſion of, 329.

Money, account of the value, intereſt, and ſtate of, at different periods, i. 214. 216. ii. 334. 344. iii. 340. iv. 234. v. 179. vii. 78.

Moneyage, an explanation of that tax, ii. 250.

Monk, general, commands for the parliament in Dundalk, ix. 12. His ſucceſſes in Scotland, 39. 49. Commands at ſea under Blake, 56. Defeats the Dutch fleet, 73. His family and hiſtory, 137. His behaviour to his brother, who came to engage him in the royal cauſe, 141. Marches into England, 142. His meſſage to the parliament, 145. His reply to the thanks of parliament, 146. Orders the parliament to diſſolve, and call a new one, 148. Receives the king at Dover, 157. Created duke of Albemarle, 175. See *Albemarle*.

Monks, Britiſh, great ſlaughter of, i. 55. Saxon, characteriſed, 113. Their addreſs in working miracles, 128. See *Monaſteries*.

Monkiſh hiſtorians, character of, i. 44.

Monmouth, James duke of, his birth and character, x. 32. His illegitimacy declared by the king, 33. Engages in a conſpiracy, 110. Pardoned, 127. Baniſhed, *ib.* Attainted, 147. Invades England, 148. His miſconduct, *ib.* Defeated at Sedgmoor, 150. Executed, 151.

Monopolies, enormous grants of, by Elizabeth, vii. 40. Their pernicious tendency, 58. Debates concerning, 322. Chief part of the national trade engroſſed by excluſive companies and patents, 106. Patents for, annulled, *ib.* An act paſſed againſt, 208. Revived by Charles I. viii. 19.

Montagu, Edw. a member of the houſe of commons, the arbitrary ſpeech of Henry VIII. to him, iv. 360.

Montague, is ſent with a ſquadron to the Baltic, ix. 135. Quits his ſtation to aſſiſt the royaliſts, 150. Carries the fleet to Holland, to bring Charles II. over, 157. Created earl of Sandwich, 175. See *Sandwich*.

———, ambaſſador at Paris, treacherouſly receives a large bribe from Barillon, ix. 387. Produces Danby's letter to the houſe of commons, x. 24.

Montmorency, conſtable, taken priſoner at the battle of St. Quintin, v. 310. His ſentiments on the marriage of the dauphin with the queen of Scotland, vi. 30. Taken priſoner by the proteſtants, 63. Killed, 160.

Montroſe, earl of, his introduction to Charles I. viii. 268. Is impriſoned in Scotland, 269. His ſucceſſes, 271—275. 286. Conquered by David Leſley, 286. Raiſes levies to aſſiſt Charles II. ix. 22. Defeated and taken priſoner, 23. His cruel treatment, 24. Is executed, 27.

Mercar and Edwin, Saxon noblemen, their hiſtory, i. 171. 219. 223. 225. 230. 244.

More, ſir T. the great ſeal committed to him, v. 17. Reſigns the great ſeal, 52. Attainted, 42. His cruel perſecution of Bainham, 52. Tried and executed, 58.

———, Roger, forms a conſpiracy to expel the Engliſh from Ireland, viii. 135. Abandons the cauſe, and retires, 140.

Morrice, is the only friend with whom Monk conſulted concerning the reſtoration, ix. 151. Made ſecretary of ſtate, 176.

Mortimer, Roger, his hiſtory, iii. 106. Account of his conſpiracy againſt Edward II. 107—112. Orders the king to be murdered, 112. Is ſeized, tried, and executed, 130.

———, earl of March, declared ſucceſſor by Richard II. iv. 259. Killed, 268.

Mortimer's Croſs, battle of, iv. 78.
Mortmain, the firſt ſtatute of, iii. 81. The probable motives for this law, *ib.* How eluded in the time of Richard II. iii. 284.
Morton, J. his character, iv. 173. Becomes confidant of Henry VII. *ib.* Made archbiſhop of Canterbury, *ib.*
——, earl of, chancellor of Scotland, adviſes Darnley to deſtroy Rizzio, vi. 84. How he became poſſeſſed of a caſket of Mary's letters, 122. Appointed to manage a treaty with Elizabeth concerning Mary, 147. Choſen regent, 174. Reſigns the regency, and retires, 198. Reſumes an influence over government, *ib.* Tried, condemned, and executed, 199.
Mountford, counteſs of, her ſpirited efforts to ſupport her huſband's cauſe in Britanny, iii. 163. Her vigorous defence of Hennebonne, 164.
Mountjoy, lord, his ſucceſſes againſt the Iriſh rebels, vii. 18. 37. 39. 45.
Murder, legal compoſitions for, among the Saxons, i. 209.
Murray, earl of, enjoys the chief authority under Mary of Scotland, vi. 42. Joins a confederacy againſt her, 78. Appointed regent, 107. Treats Mary harſhly, 108. Defeats her at Langſide, 110. Required by Elizabeth to juſtify his conduct toward Mary, 114. Secret reaſons of the weakneſs of his allegations againſt Mary, 118. Propoſes queries to Elizabeth, 119. Accuſes Mary more explicitly, 120. Produces Mary's letters to Bothwel, with the confeſſion of Hubert, 122, 123. His motives in propoſing to the duke of Norfolk a marriage with Mary, 135. Aſſaſſinated, 144. His character, *ib.* Vindicated from the accuſations of Mary and her advocates, 348.
Muſcovy, trade eſtabliſhed with, v. 322. vii. 73, 74.

N

NAJARA, battle of, iii. 215.
Names, Chriſtian, ſtrange modification of, at the time of the commonwealth, ix. 69.
Nantz, the edict of, revoked, x. 161.
Naſeby, battle of, viii. 280.
Navarre, Anthony king of, declares in favour of the proteſtants, vi. 37. Joins the duke of Guiſe againſt them, 60. Mortally wounded, 63. For his ſon, ſee *Henry*, prince of.

Navarre, Henry prince of, is placed at the head of the proteſtants, vi. 160. Obliged to renounce the proteſtant religion, 177. Places himſelf again at the head of the Hugonots, 182. Obtains the crown of France, 307. See *Henry* IV.

Navigation act, paſſed, ix. 52. Suſpended, 287.

Navy, Engliſh, ſtate of, at different periods, v. 321. vii. 75. 239, 240. 329. x. 235.

Naylor, James, a quaker, his extravagances, ix. 163.

Neile, biſhop of Lincoln, anecdote of, vii. 180.

Netherlands, the foreign commerce of England at the time of Henry VIII. confined to, v. 174. Severe behaviour of the emperor Charles V. to the proteſtants there, vi. 164. Revolt of Holland and Zealand, 185. See *Orange*. Pacification of Ghent, 189. Treaty with Elizabeth, *ib.* See *United Provinces*, *Lewis* XIV. Settlement of, by the treaty of Aix-la-Chapelle, 249.

Neville, Hugh de, a fine paid by his wife, for leave to paſs a night with him while in priſon, ii. 254.

———, the power, connexions, and branches of that family, iv. 53. Honours beſtowed on, 99.

Neville's Croſs, battle of, iii. 182.

Newark, beſieged, viii. 239. Surrenders, 294.

Newbury, battle of, viii. 219. Second battle, 246.

Newcaſtle, taken by ſtorm, viii. 244. See *Coal*.

————, earl of, commands for the king in the north of England, viii. 204. Created a marquis, 221. Beſieged in York, 241. Leaves the kingdom in diſguſt, 243.

New England, the colony of, how peopled, ix. 167.

New Foreſt, how and when made, i. 258. Accidents happening to the family of William the Conqueror in, 284.

Newfoundland, firſt diſcovery of, iv. 248.

New York, is taken from the Dutch, ix. 218. Ceded to the Engliſh, 238.

Newton, ſir I. his character, x. 241. His death, *ib.*

Nimeguen, treaty of, ix. 337. 360.

Nobility, titles of, ſold by James I. vii. 147.

Nonconformiſts, their miniſters ejected, ix. 205. Five-mile act, 226. Act againſt conventicles, 268. Declaration of indulgence, 286. Recalled, 311. A bill for their relief, 312. See *Puritans*.

Norfolk, an inſurrection there, v. 223.

———, duke of. See *Hereford*, *Henry*, duke of.

erfolk, Bigod, Roger, earl of, objects to John's ſubjecting England to the ſupremacy of Rome, ii. 286. His addreſs to Henry III. on the parliament aſſembling in armour, 297. Quarrels with the king, iii. 52. Obtains a full confirmation of the charters, 55.

——, duke of, oppoſes the reformation, v. 49. Why he became an enemy to his niece queen Anne Boleyn, 75. Preſides as high ſteward on her trial, *ib.* Propoſes the bill of ſix articles, 106. Repartee of one of his chaplains to him, 331. Influences the king to a cruel perſecution of heretics, 121. Review of his ſervices and honours, 164. Committed to the Tower, 166. Attainted, *ib.* Ordered for execution, but ſaved by the king's death, 167. His attainder reverſed, 265.

——, the young duke of, entertains hopes of marrying Mary of Scotland, vi. 119. His character, 134. A marriage with Mary propoſed to him by Murray, *ib.* His negotiations in conſequence, 135—139. Committed to the Tower, 139. Releaſed, 142. Renews his correſpondence with Mary, 169. Enters into a conſpiracy againſt Elizabeth, *ib.* His ſcheme diſcovered, 170. Is tried, *ib.* Executed, 172.

Normans, origin of the name, i. 77. Invade France, *ib.* And England, See *William*. Their character, 176. ii. 9.

Normandy, ſettled by Rollo the Dane, i. 137. Character of the Normans, 176. ii. 9. William, duke of, obtains the crown of England, i. 221. See *William* the Conqueror, and *Robert*. The barons of, how circumſtanced during their connexion with England, ii. 207. Ceded to France, 304. Invaded by Edward III. iii. 171. Finally reduced to the government of France, iv. 51.

Norris, ſir John, his military operations, vi. 299. 321. Dies of vexation, vii. 9.

North-weſt paſſage, attempts for the diſcovery of, vii. 73. 242.

Northampton, council of, ii. 78. Battle of, iv. 74.

Northumberland, hiſtory of the Saxon kingdom of, i. 54.

——, Dudley earl of Warwic, made duke of, v. 240. Procures the trial and execution of Somerſet, 240—242. His meaſures in calling a new parliament, 246. His repreſentations to induce the king to alter the ſucceſſion, 248. Proclaims lady Jane Gray, 256. Deſerted by

his army, and proclaims queen Mary, 258. Tried and executed, 259.

Northumberland, earl of, offers to releaſe Mary queen of Scots from her confinement in England, vi. 138. Raiſes an inſurrection, 140. Executed, 172.

———, earl of, command Charles I.'s army againſt the Scots, viii. 70. Joins the parliament, 189. Retires, 217.

———, extract of curious particulars from a houſehold book of an old earl of that family, iv. 355.

Norwich, lord, ſaves the garriſon of Angouleme, iii. 169.

Nottingham, counteſs of, her treachery to Eſſex, vii. 46.

———, earl of, ſentiments of the Spaniards at ſight of his train, vii. 110.

Nowel, chaplain to Elizabeth, openly reproved by her for ſpeaking irreverently of the ſign of the croſs, vi. 131, *note*.

O

OATES, Titus, his account of a popiſh plot, x. 5. His birth and character, 9. Inconſiſtencies of his narrative, 12. Obtains a penſion, 16. His evidence againſt Staſford, 72. Heavily fined, convicted, and ſentenced for perjury, 125.

Oath, ex officio, arbitrary adminiſtration of, by the court of eccleſiaſtical commiſſion, vi. 225.

Odo, biſhop of Baieux, his hiſtory, i. 225. 259. 266.

Offa, king of Mercia, hiſtory of, i. 62, 63.

Okey, one of the king's judges, ſeized and executed, ix. 201. His character, 202.

Olave the Dane, his character, i. 133.

Oldcaſtle, ſir John. See *Cobham*.

O'Neale, Hugh. See *Tyrone*.

———, Owen, enters into a conſpiracy againſt Ormond, ix. 9. Reduced by Cromwel, 16.

———, ſir Phelim, engages in More's conſpiracy, viii. 135. His cruel maſſacre of the Engliſh, 138. Forges a commiſſion from the king for his inſurrection, 143. Taken and executed, ix. 48.

———, Shan, his hiſtory and character, vii. 6.

Opdam, the Dutch admiral, killed, ix. 221.

Orange, William prince of, condemned as a rebel, vi. 185. Forms a league againſt the Spaniſh government, 160.

Sends an embaſſy to Elizabeth, 187. Pacification of Ghent, 189. Treaty with Elizabeth, *ib.* Aſſaſſinated, 299.

Orange, Maurice prince of, ſucceeds Leiceſter in the government of the United Provinces, vi. 282. Battle of Tournholt, 323. Renews the war with Spain, vii. 212.

———, William prince of, is married to the princeſs Mary of England, viii. 128.

———, William prince of, his education, ix. 202. His character, *ib.* Appointed general and admiral of the United Provinces, *ib.* Made Stadtholder, 293. His operations againſt Lewis XIV. 306. 316. 326. 337. 342. Comes to England to marry the princeſs Mary, 348. Remarks on his conduct with reſpect to Engliſh affairs, x. 190. Refuſes to concur in the deſigns of James II. 192. Applications made to him by the Engliſh, 195. Invited by the principal men, *ib.* His inducements to liſten to the overtures of the Engliſh, 197. His preparations to oppoſe king James, 198. His declaration, 204. Lands at Torbay, 205. Marches for London, 210. Orders the king not to approach London, 214. Summons a convention, 218. Receives an offer of the crown of Scotland, 220. His conduct during the meeting of the convention parliament, 226. His declaration to a meeting of peers, 227. The crown ſettled on him and the princeſs, 228.

Ordeal, the ſeveral ſpecies of, i. 212.

Orkney, earl Bothwel made duke of, vi. 98. Is married to queen Mary, 99. Flies to the Orkneys, and ſubſiſts by piracy, 103. Eſcapes to Denmark, where he dies miſerably in priſon, *ib.*

Orleans, ſiege of, iv. 16. Cannon firſt ſucceſsfully applied at this ſiege, 17. Diſtreſs of the town, 19. Joan d'Arc enters it with a convoy, 23. The ſiege raiſed, 25. See *Joan d'Arc.*

———, Lewis duke of, aſſaſſinated, iii. 315.

———, Lewis duke of, afterwards Lewis XII. of France, his hiſtory, iv. 187. 193. 199. 229. See *Lewis* XII.

Ormond, earl of, his ſucceſſes againſt the Iriſh rebels, viii. 229. Concludes a ceſſation with them, 232. Sends troops to the king, *ib.* Glamorgan's treaty, 289. Concludes a peace with the council of Kilkenny, and engages it to aſſiſt the king, ix. 8. Narrowly eſcapes from a conſpiracy, 9. Reduces the parliamentary garriſons, 11. Beſieges Dublin, 15. Defeated, 16. Concerts a conſpiracy againſt the protector,

tector, 114. Forced to fly, *ib.* Created a duke, 176. Made lord lieutenant of Ireland, 259. Remonſtrates againſt the act prohibiting the importation of Iriſh cattle, 260. Seized by Blood, but reſcued, 280. Again ſent lord lieutenant of Ireland, x. 91. His adminiſtration vindicated by his ſon Oſſory, againſt lord Shafteſbury, 92. Recalled by king James, 168.

Oſtend, ſiege of, by the Spaniards, vii. 45, *note*.

Oſſory, lord, his bold ſpeech to the duke of Buckingham, ix. 280. Commands in the fleet under prince Rupert, 313. See *Ormond*.

Otterburne, battle of, iii. 256.

Otway, the poet, his unhappy fate, x. 245.

Overbury, ſir Thomas, hiſtory of, vii. 142—146.

Outlaws, whether eligible to parliament, vii. 100.

Oxford Univerſity, by whom founded, i. 102. The proviſions of, ii. 299. Lectures on civil law, when firſt read there, iv. 155. When firſt erected into a biſhopric, v. 97. The parliament removed thither by Charles I. vii. 261. Negotiations there for a peace between the king and parliament, viii. 200. The king endeavours to form a parliament there, in oppoſition to that at London, 234.

———, earl of, fined by Henry VII. iv. 242.

P

PACK, alderman, makes a motion in parliament for giving Cromwel the title of king, ix. 104.

Paleſtine, ſtate of, at the arrival of the cruſaders, ii. 153.

Pandolf, legate, his private inſtructions, ii. 201. Procures John's ſubmiſſion to the pope, *ib.* Receives the reſignation of his kingdom, and homage from him, 202.

Papacy, the ſeat of, how fixed in Italy, iii. 284.

Papal authority, popular ſentiments of, under Edward III. iii. 228. Renounced, v. 41. See *Reformation*.

Parr, Catherine. See *Henry* VIII. Marries lord Seymour, v. 209. Dies in child bed, 211.

Paris, maſſacre of, vi. 176.

Parliament, Engliſh, view of, in its feudal form, ii. 238. By what titles the clergy obtained ſeats in, *ib.* Importance of the barons in, 239. The commons not originally a part of, 240. Of whom compoſed, 241. When uſually aſſembled, 245. Grants a renewal and confirmation of the great charter, 273. Refuſes ſupplies, 282. 288. Spirited remon-

remonſtrances of, to the king, 292. Aſſembles, dreſſed in armour, 297. The *mad* one, meets at Oxford, 298. Firſt efforts toward ſending repreſentatives of counties to, *ib.* Regular ſeſſions of, appointed, 299. One ſummoned by Leiceſter, 319. The houſe of commons regularly formed, 321. Reforms the adminiſtration of juſtice, iii. 6. The barons prohibited coming to, except ſummoned by writ, 35. Awed into a confirmation of the two charters, 55. Depoſes Edward II. 110. Its advice to Edward III. 136. Grants ſupplies to aſſiſt the pretenſions of Edward to the crown of France, 145. Remarks on the preſent power of, 148. Reſolutions of, on his aſſumed title as king of France, 149. Frames an act for redreſs of grievances, 159. This act repealed, 161. The conſideration it arrived to, in the reign of Edward III. 223. Its endeavours to aboliſh purveyance, 226. And to reduce the price of labour, 231. Settlement of government eſtabliſhed by, during the minority of Richard II. 237. Increaſe of its authority, 238. Impoſes a poll-tax, and the alarming conſequences of it, 239. Its peremptory deputation to the king, 247. Proceedings againſt the miniſtry, 251. Irregularity of their conduct, 254. Influence of the king over, 354. Veſt the parliamentary authority in a committee, 264. Heads of the accuſation againſt Richard, 270. Depoſes him, 275. Confuſions in, at the acceſſion of Henry IV. 289. Oppoſes his attempt to exclude females from the ſucceſſion, 304. Adviſes the king to ſeize the temporalities of the church, *ib.* 314. Increaſe of its influence, iv. 3. Makes the duke of York protector during pleaſure, 69. That of Coventry, remarks on, 82. The title of Edward IV. recogniſed by, 87. Reflections on the inconſiſtency of their proceedings at this period, 123. Recogniſes the authority of Richard III. 147. Attainders reverſed on the coming in of Henry VII. 169. Expedient for qualifying the king's prior attainder, *ib.* Entail of the crown, 170. Paſſes a law to indemnify all who act under the authority of the king for the time being, 214. Its obſequiouſneſs to Henry's oppreſſive meaſures, 233. Laws paſſed by Henry VII. 240—246. The firſt of Henry VIII. attaints Empſon and Dudley, &c. 253. Redreſſes ſome abuſes in the late reign, *ib. note.* Impoſes a proportional poll-tax, 264. Continues to abridge the papal authority, v. 39. The ſucceſſion of the crown regulated, 40. Declares the king ſupreme head of

the church, 42. Union of England and Wales, *ib.* 68. The leſſer monaſteries ſuppreſſed, 168. Reaſon aſſigned for annulling the king's marriage, *ib. note.* The princeſſes Mary and Elizabeth illegitimated, *ib.* All authority of the biſhop of Rome renounced, 80. Paſſes the bill of ſix articles, 106. 149. Enacts that royal proclamations ſhall have the force of laws, 108. Yet paſſes a contradictory ſtatute, *ib.* Diſſolves the order of knights of Malta, 116. Its ſervile compliance with Henry's caprices, 332. Attaints queen Catharine Howard, 128. Paſſes an act to ſecure the virtue of Henry's future wives, 129. Ireland erected into a kingdom by, 332. Ratifies the future deciſions of the commiſſioners appointed to eſtabliſh a religion, 131. Prohibits the reading of the bible to the common people, 133. Enacts that offences againſt the king's proclamations ſhall be judged by a council of nine, 144. Enforces obedience to the *Eruditon of a Chriſtian Man*, *ib.* Reſtores the princeſſes Mary and Elizabeth, 148. The ſtyle of the king's regal title ſettled, *ib.* Another oath of ſupremacy, 149. Beſtows on the king all the univerſity and hoſpital revenues, 156. The abject flattery beſtowed on the king, *ib.* Henry's ſpeech to, 157. Statutes paſſed by Henry VIII. 171. Remarks on the ſtatute granting him the duties of tonnage and poundage, 173. One ſummoned by Somerſet, protector, 202. Wholeſome laws paſſed this ſeſſion, 203. Celibacy recommended to the clergy, but their marriage permitted, 215. Taxes on money and trade, 334. Deprives the protector of all his offices, and fines him, 231. Act againſt rioters, *ib.* The new liturgy authoriſed, *ib.* Acts againſt treaſon, and making proviſion for the poor, *ib.* The Latin maſs celebrated in, at the acceſſion of Mary, 264. The queen's legitimacy eſtabliſhed, *ib.* All Edward's ſtatutes of religion repealed, 265. Diſſolved, for oppoſing the Spaniſh alliance, 269. A large ſum ſent over by the emperor Charles V. to bribe the new one, 277. Gardiner's ſpeech at the opening of it, *ib.* The caution of, with reſpect to the pretenſions of Philip, 278. Implores forgiveneſs of the pope, for their defection from the church of Rome, 281. Revives the ſanguinary laws againſt heretics, 283. Tenths and firſt-fruits reſtored, 300. Laws for grants of crown-lands, the militia, and repair of the highways, 316. 322, 323. The title of Elizabeth recogniſed, vi. 19. All ſtatutes of Edward VI. concerning religion, reſtored,

reſtored, 12. The nomination of biſhops given to the crown, *ib.* The maſs aboliſhed, and liturgy reſtored, 13. Aſſertion of the papal authority ſubjected to the penalties of treaſon, 66. Elizabeth's ſpeech at the diſſolution of, 89. Prohibited, by the queen's order, from meddling with any matters of ſtate, 149. Reflections on her haughty treatment of, and her declared notions of the proper objects of its attention, 155. Laws paſſed this ſeſſion of, 158. Spirited ſpeech of Peter Wentworth, 193. Petitions the queen for church reformation, 196. Laws againſt popery, 202. Appoints a regency, in caſe of the queen's violent death, 222. Severe law againſt Jeſuits and popiſh prieſts, *ib.* Elizabeth's ſpeech, on the application for farther religious reformation, 226. Ratifies the ſentence againſt Mary queen of Scots, and petitions for her execution, 258. Severe law againſt recuſants, 314. The queen's ſpeech to, 315. Its legiſlative power checked by Elizabeth, vii. 61. Tyrannical ſtatutes paſſed by, 63. One ſummoned by James I. 98. Steps towards an union between the two kingdoms, 107. Becomes jealous of the regal prerogative in eccleſiaſtical affairs, 132. King's ſpeech relative to a war with Spain, 207. Act againſt monopolies, 208. One ſummoned by Charles I. on his acceſſion, 255. Its ill humour, 256. Refuſes ſupplies, 262. Diſſolved, 266. A ſecond called, *ib.* A third, 288. The king's threatening addreſs to it, 289. Petition of right paſſed, 300. Diſſolved, 319. Summoned after eleven years interval, viii. 60. Abruptly diſſolved, 67. Meeting of the long, 77. Act for triennial parliaments, 101. Attainder of Strafford, 116. Star-chamber, and high commiſſion, aboliſhed, 125. Adjourns, and appoints a committee to ſit during the receſs, 127. Applies to Eſſex for a guard, 132. Reflections on the uncertainty of parliamentary privileges, 157. Petitioned by divers bodies of the common people, 171; and by a body of women, *ib.* Biſhops votes taken away, 172. Threatens the queen with an impeachment, 173. Paſſes the militia bill, 175. Raiſes an army, 184. Sends conditions of agreement to the king, 185. Stops all remittances of revenue to the king, 188. Its haughty reception of the king's overtures, 192. Its demands in the negotiation at Oxford, 200. For the operations of its forces againſt the king, ſee *Eſſex*, *Waller*, *Fairfax*, *Cromwel*, &c. The military operations conducted by a committee of both houſes,

houſes, 214. Secret meaſures and deſpotic authority of this committee, *ib.* Applies to Scotland for aſſiſtance, 223. Enforces ſubſcription to the ſolemn league and covenant, 227. Meaſures taken to ſuppreſs the Iriſh rebellion, 228. Lays an exciſe on beer, wine, &c. 235. Rejects the king's offers of treaty, 237. The independents form a party in, 250. Self-denying ordinance, 255. Summons an aſſembly of divines, 259. Treaty of Uxbridge, 257. Execution of Laud, 263. Refuſes a treaty, 288. Eſtabliſhes the preſbyterian diſcipline, 290. Treats with the Scots for delivering up the king, 298. He is delivered up, 300. The army begins to mutiny againſt its authority, 304. Prepares an accuſation againſt Cromwel, 308. Becomes odious to the people, 310. Its civil adminiſtration, *ib.* Negotiates with the army, 314. Obliged to vote according to the inſtructions of the army, 317. New ſpeakers choſen, 319. The old ſpeakers reinſtated by the army, *ib.* Votes againſt any farther negotiation with the king, 328. Sends to treat with the king, 335. Points debated between them, 336. Surrounded by the army, 344. Proceeds to a concluſion of the treaty with the king, *ib.* Preſbyterian members excluded, *ib.* The remaining members reverſe the former proceedings, *ib.* See *Commons.* Its proceedings after the battle of Worceſter, ix. 44. Erects a high court of juſtice, *ib.* See *Commonwealth.* Frames the navigation act, 52. War with the States, 54. See *Blake, Ayſcue,* &c. Violently diſſolved by Cromwel, 60. Reflections on its proceedings, *ib.* A new one ſummoned by Cromwel, 66. Character of it, 67. Reſigns its authority to Cromwel, 70. One ſummoned by the protector, 76. Equitable plan of election, 77. Reproved by the protector for diſputing his authority, 79. Diſſolved, *ib.* A new one choſen by the protector, 103. A motion made for beſtowing the crown on Cromwel, 104. His refuſal, 108. Again aſſembled in two houſes, 110. Diſſolved, 111. One called by R. Cromwel, 126. Diſſolved, 128. The long one reſtored, 130. Caſhiers Lambert, 133. Expelled by him, 134. Again reſtored, 143. Reduces the army to obedience, *ib.* Deſired by Monk to ſend the regiments out of London, 145. See *Monk.* Its authority diſputed by the people, 147. The ſecluded members take their ſeats, and iſſue writs for a new one, 149. The new one meets, 155. See *Commons.* The houſe of lords re-aſſembles, 156. See *Lords.*

Lords. Charles II. proclaimed, *ib.* Act of indemnity, 177. Settlement of the revenue, 178. Diſſolved, 182. Reſigns all military authority to the king, 195. Corporation act, 196. Act of uniformity, *ib.* Militia regulated, 211. Repeals the triennial act, 214. Five-mile act, 226. Baniſhment of Clarendon, 242. Prohibits the importation of Iriſh cattle, 260. Act againſt conventicles, 268. Coventry act, 280. Meets, after two years prorogation, 307. Speeches of the king and the chancellor Shafteſbury to, 308. Teſt act, 312. Its legality diſputed, 342. Popiſh plot, x. 17. New teſt-act, 22. Diſſolved, 26. Character of this long one, 27. A new one ſummoned, 30. Habeas corpus act, 43. Diſſolved, 46. The king's ſpeech to the new one, 61. The perſecuting ſtatute, 35 Eliz. repealed, 77. The king evades giving his aſſent to this bill, 79. A new one ſummoned, 80. Suddenly diſſolved, 85. One called by James II. 141. His ſpeech too, 142. Arguments on granting a revenue during life, *ib.* The grant voted, 145. Attainder of Monmouth, 147. The convention ſummoned by the prince of Orange, 218. Settles the crown on the prince and princeſs of Orange, 228.

Parliament of Scotland, refers the pretenſions of Baliol and Bruce to the award of Edward I. iii. 18. Determines to ſend the young queen Mary to France, v. 207. Suppreſſes the catholic religion, and eſtabliſhes preſbyterianiſm, vi. 35. Condemns Mary to priſon, 108. Prohibits the clergy from meddling with affairs of government, 219. A law for veſting the government of the church in the king and biſhops rejected, vii. 162. One held by Charles I. viii. 22. Triennial parliaments eſtabliſhed, 130. Its cool behaviour on being informed by the king of the Iriſh maſſacre, 144. Sends commiſſioners to treat with the Engliſh parliament, *ib.* Oppoſes the delivering up the king, 299. One ſummoned by Charles II. ix. 36. One called on the reſtoration, 188. The covenant annulled, 191. Proceedings of, 252. Act of indemnity, 253. Act againſt conventicles, 255. One ſummoned before Lauderdale, 363. Severe law againſt conventicles, 364. Enacts a contradictory teſt-act, x. 96. Its abject ſervility to James II. 156. Rejects the king's application for indulgence to catholics, 175. The convention ſummoned by the prince of Orange, offers the crown to him and the princeſs, 220.

Parry, his deliberate profecution of his plan againſt the life of Elizabeth, vi. 228. Executed, 229.

Paſſive obedience, antiquity of that doctrine, vii. 354. Endeavoured to be enforced by the lords, ix. 329. Arguments concerning, *ib.*

Paſturage, laws againſt throwing lands into, v. 178. Inducements to this practice, and evils reſulting from it, 220.

Pavia, battle of, iv. 330.

Paul III. pope, hopes to reconcile Henry VIII. v. 59. Excommunicates Henry, 60. 98. His rage againſt Henry on his ſuppreſſing the religious houſes, 98.

—— IV. pope, his character, v. 298. Offended at Mary's aſſuming the title of queen of Ireland, *ib.* His conduct compared with that of the emperor Charles V. 304. His haughty behaviour on the notification of the acceſſion of Elizabeth, vi. 6.

Pecquigni, treaty of peace there, iv. 117.

Peers, when firſt created by patent, iii. 287. Council of, ſummoned by Charles I. at York, viii. 72. Houſe of, ſee *Lords*.

Penn and *Venables* command in the Weſt Indies, ix. 91. Take Jamaica, and are ſent to the Tower, 92.

Penry, a Browniſt, his cruel proſecution, vii. 64.

Pennſylvania, when ſettled, x. 236.

People, their ſituation under the feudal government, ii. 236.

Perjury, the frequency of, under the old Anglo-Saxon law, remarked, and the cauſes traced, i. 211.

Perkin Warbec. See *Warbec*.

Perth, Knox, the reformer, arrives from Geneva, and preaches there, vi. 25. Riot of reformers there, *ib.* A ſynod of preſbyterian miniſters there, routed by a mob of women, ix. 375.

Peter the Hermit, undertakes to reſcue the holy land, i. 272. Leads a vaſt multitude on this enterpriſe, 275.

—— of Pomfret, his cruel treatment by John, ii. 203.

Peter's Pence, hiſtory of, i. 62. ii. 86.

Peters, Hugh, chaplain to Oliver Cromwel, a frequent text of his, viii. 326, *note*. Tried and executed, ix. 181.

Peterborough, when made a biſhopric, v. 97.

Petition of right, account of, vii. 294. 300. 303. The petition at large, 357.

Petitioners and Abhorrers, origin of thoſe diſtinctions, x. 59.

Philip, king of France, engages in a cruſade, ii. 130. Stimulates young Richard to revolt againſt his father, 131. His conduct in the cruſade, 147—154. His character and that of Richard I. compared, 148. Seduces prince John from his allegiance, 156. His laconic letter to him, 167. His diſputes with John, 179. Appealed to by the Britons on the murder of Arthur, 182. Sentences John to the forfeiture of his royalties in France, 183. Poſſeſſes himſelf of Normandy and the other provinces, 187. Accepts the offer of the kingdom of England made by the pope, 200. Prepares an armament, *ib.* His rage on the treaty between John and the legate, 203. His reflections on the offer of the kingdom of England by the barons to his ſon Lewis, 223.

———, king of France, cites Edward I. before him, iii. 29. Gains the province of Guienne, *ib.* Leagues with J. Baliol, 31. Beſtows his ſiſter on Edward, and his daughter on prince Edward, 59.

——— the Fair, his cruelty to the templars, iii. 116.

——— de Valois, how entitled to the crown of France, iii. 140. Prepares to oppoſe the hoſtile invaſion of Edward III. 146. His reply to Edward's defiance, 153. His ſurpriſe and movements on Edward's invaſion of Normandy, 172. Battle of Crecy, 177. His death and character, 190.

———, ſon of the emperor Charles V. propoſed as a huſband to queen Mary, v. 267. The marriage articles, 270. Arrives in England, and is married, 280. Diſguſts the Engliſh, *ib.* Denied the ceremony of coronation, 283. Attempts to acquire popularity, *ib.* Leaves England, 300. His father reſigns all his hereditary dominions to him, 302. Neglects paying his father's penſion, 303. Battle of St. Quintin, 310. Death of Mary, 320. Makes propoſals of marriage to Elizabeth, vi. 5. Endeavours to prevent the excommunication of Elizabeth, 18. His perſecuting ſpirit, 57. 60. Commencement of his open enmity to Elizabeth, 59. Concerts a maſſacre of the French Hugonots, 81. The Flemiſh proteſtants revolt, 165. Revolt of Holland and Zealand, 185. Pacification of Ghent, 189. Invades Ireland, 200. Founds a ſeminary at Doüay for the education of Engliſh catholics, 203. His power and naval ſtrength, 233. Fits out the invincible armada, 285. His behaviour on the deſtruction of the armada, 296. Dies, 338. His character, 57. vii. 91.

Philip III. of Spain, acknowledges the independency of the United Provinces, vii. 125.

—— IV. of Spain, his honourable reception of prince Charles, vii. 199. His conduct on understanding Buckingham's scheme to prevent the marriage, 204.

——, archduke of Austria, his friendly interview with Henry VII. iv. 229. Pays Henry a visit, 235.

Philippa, queen of Edward III. takes David king of Scots prisoner, iii. 182. Intercedes for the deputies of Calais, 185.

Philpot, a reformer, his zeal against Arianism, v. 292. Is burnt himself for heresy, *ib.*

Picts and Scots harass the Britons, i. 30.

Pilgrimage of Grace. See *Aske*.

Pilkington prosecuted by the duke of York, x. 105.

Pinkey, battle of, v. 200.

Plague appears in England, iii. 189. vi. 70. 266. Great one at London, ix. 225.

Plot, gunpowder, history of, vii. 112. Popish, a history of, x. 4. 36. See *Oates*, *Coleman*, and *Bedloe*. Meal-tub, 57. Rye-house, 112.

Poictiers, battle of, iii. 196.

Pole, Edmund de la. See *Suffolk*.

——, Michael de la, chancellor, and earl of Suffolk, anecdotes of, iii. 247. Impeached, *ib.* Reflections on his case, 248.

——, Reginald de la, his descent, v. 98. Inveighs against the conduct of Henry VIII. in religious alterations, 99. Created a cardinal, *ib.* Suspected of aspiring to the crown, 100. Enters into a conspiracy, *ib.* His relations prosecuted, 109. His mother executed, 123. Proposed as a husband to Mary, 265. Invited to England in quality of legate, 266. Invites the parliament to reconcile themselves to Rome, 281. Absolves the parliament and kingdom, 282. Debates on punishing heretics, 286. Made archbishop of Canterbury, 308. His politic behaviour, *ib.* His death and character, 321.

Polerone, in the East-Indies, its revolutions, ix. 75. 235. 238.

Poll-money levied, iii. 241. iv. 264.

Poltrot assassinates the duke of Guise, vi. 68.

Ponce, Constantine, cruelly persecuted, vi. 57.

Poor, an act for raising charitable contributions for, v. 244. First legal establishment for the subsistence of, vii. 78.

Popedom, its situation at the Norman invasion, i. 179.

Popular government, beginnings of, in England, iii. 37.
Porters of London petition the long parliament, viii. 171.
Portſmouth, dutcheſs of, how introduced to Charles II. ix. 275.
Portugal, revolts from the crown of Spain, x. 88. The princeſs Catherine of, married to Charles II. 199.
Poſt-maſter, inſtance of that office under Elizabeth, vii. 78.
Poſt-houſe, at what ſum farmed under Cromwel, ix. 168.
Poſt-office is eſtabliſhed by parliament, ix. 182.
Poynings, ſir E. ſent to Ireland, iv. 215. Paſſes the memorable ſtatute which bears his name, *ib.* Promoted by Henry VIII. 251.
Preaching, the abuſe of, reſtrained, v. 190. Farther reſtrictions of, 205.
Prelates, obnoxious ones, how treated by the court of Rome, in the time of Richard II. iii. 283.
Prerogative, regal, notions concerning, in the time of Elizabeth, vii. 41. Ancient prerogatives of the crown, 52. Apology for the arbitrary exertions of, by James I. 129. The commons manifeſt an intention of limiting it, 130. Articles of, claimed until the time of Charles I. 221.
Preſbytery, is eſtabliſhed in Scotland, vi. 35. The meaning of that term, viii. 50, *note.* Diſtinctions between preſbyterians and independents, 248. Eſtabliſhed in England, 290. Suppreſſed, ix. 185. 196. The preſbyterian clergy ejected, 205.
Preſs, liberty of the, its commencement, x. 239.
Preſton, battle of, viii. 340.
Pride, colonel, excludes the preſbyterian members of the long parliament, viii. 344. Procures a petition againſt the office of king, ix. 108.
Prieſts and Jeſuits, a ſevere law againſt them, vi. 222.
Prime miniſter, reflections on the office of, iii. 99.
Primogeniture, advantages of adhering to, in the ſucceſſion of princes, ii. 174.
Printing, by whom introduced into England, iv. 128, *note.* The invention of, one of the cauſes of the quick progreſs of the reformation, 312. Reſtrictions laid on the preſs by Elizabeth and James I. vii. 226.
Proclamations, royal, declared by parliament to have the force of laws, v. 108. Reflections on this ſtatute, *ib.* Rigorouſly enforced, vii. 61. King James's plea for their utility and neceſſity, 131. Differ from laws, *ib.*

Prophecying, among the puritans, explained, vii. 97.
Protectorate, the ſupreme government altered to this form, ix. 71. Outlines of this form of government, *ib.* See *Cromwel, Oliver* and *Richard.*
Proteſtants, origin of that name, v. 23.
Proviſions, reflections on legal reſtrictions on the prices of, iii. 117. The prices of, in the reign of Edward II. 118.
Proviſors, ſtatute of, iii. 228. 283.
Prynne, the principles advanced in his *Hyſtrio Maſtix*, viii. 20. His ſevere ſentences, 21. 28. His ſentences reverſed, 88.
Puritans, their obſtinate ſcruples at the infancy of the reformation, vi. 129. Depreſſed by Elizabeth, 133. 192. The court of eccleſiaſtical commiſſion inſtituted for the ſuppreſſion of, 224. A ſevere law againſt recuſants, 314. Their pretenſions, vii. 225. Their influence in promoting the diſſatisfaction of the firſt parliament of Charles I. 258. Tranſport themſelves to America, until ſtopped by the king, viii. 29. Begin to attack the profeſſed religion, 94.
Purveyance, nature of, and particulars concerning, ii. 31. iii. 225. vi. 297. 366. vii. 59. 107. 133.
Pym, his ſpeech in parliament, viii. 62. His ſpeech againſt Strafford, 79. His conduct on Strafford's trial, 114. Impeached by the king, 164. His death, and the regard paid to him by the parliament, 237.
Pyrennees, treaty of, between France and Spain, ix. 137.

Q

QUAKERS, origin of that ſect, ix. 160. Their name, 161. Cauſe of their perſecution, *ib.* Their ſingularities, 162. Their addreſs to James II. x. 138, *note.*
Quo Warranto. See *London.*

R

RALEIGH, Walter, goes as a volunteer in the ſervice of the Hugonots, vi. 162. His firſt expedition to Guiana, 324. His letter to Cecil, vii. 321. Diſmiſſed from his employment, 90. Conſpires againſt James, 93. Sentenced to death, but reprieved, *ib.* Writes his Hiſtory of the World, 165. Second expedition to Guiana, 166. Executed, 170. Character of his Hiſtory of the World, 252. His conduct at Guiana inquired into, 359.
Randolf, his character of the Scots reformers, vi. 48.
Ravaillac aſſaſſinates Henry IV. of France, vii. 135.

Reading, a council there, ii. 156. Taken by Eſſex, viii. 202.
Real preſence, why the clergy were attached to the doctrine of, v. 216. The point of, debated, 269. Inſtance of Elizabeth's attachment to that doctrine, vi. 131, *note*.
Recuſants, a ſevere law againſt them, vi. 314.
Reformation, commencement of, in Germany, by Luther, iv. 310. Cauſes of the quick progreſs of, 312. The pope ſet at defiance, 313. Firſt ſteps toward, in England, v. 20. Progreſs of, 31. Tranſlations of the ſcriptures, 51. 71. Authority of the biſhop of Rome renounced, 80. Articles of faith prepared by the convocation, 82. Suppreſſion of religious houſes, &c. 68. 92. 130. The law of ſix articles, 106. The bible granted to every family, 111. The litany, and part of the public ſervice, allowed to be celebrated in Engliſh, 158. The acceſſion of Edward VI. favourable to, 186. The twelve homilies, 190. Laws favourable to, 203. New communion-ſervice, 205. Liturgy, 215. General antipathy to popery, 237. Liturgy reviſed, 238. Articles of religion, *ib*. Liturgy authoriſed by parliament, 243. Catholic religion reſtored, 261. Perſecutions, 291. Cecil's arguments to induce Elizabeth to reſtore it, vi. 6. The queen declared governeſs of the church, 11. A ſolemn diſputation, 12. The maſs aboliſhed, *ib*. Liturgy reſtored, 14. Biſhops degraded, 15. Progreſs of, in Scotland, 21. The *Congregation of the Lord*, ib. Riot in Edinburgh, 23. Riots of Knox's congregation at Perth, 25. Preſbytery eſtabliſhed, 35. Struggles in favour of, in France, 37. Cruel inſolence of the Scots reformers to their queen Mary, 43. Civil wars of France, 60. Plan of, eſtabliſhed in England, 128. Reflections on the conduct of reformers, 164. Maſſacre of Paris, 176. The catholic league, 182. Severe laws againſt popery, 202. Popery finally ſuppreſſed, 222. See *Henry* VIII. *Luther*.
Regicides, trial and execution of, ix. 180. 201.
Rehearſal, a character of this ſatirical play, x. 242.
Religious eſtabliſhments, the foundation of, iv. 307.
Remonſtrance, account of that paſſed by the long parliament, viii. 148. Reaſonings on both ſides, 150. Anſwered by the king, 155.
Revenue of the Anglo-Norman kings, ii. 248—252. State of, at the time of Henry V. iii. 338. In Mary's time, v. 309. In the reign of James I. vii. 231. In the protectorate of

R. Cromwel, ix. 166. Between the reſtoration and revolution, x. 233.

Revolution in 1688, compared with the depoſition of Richard II. iii. 274.

Rhee, iſle of, attacked by Buckingham, vii. 286.

Richard, ſecond ſon of Henry II. revolts againſt his father, ii. 111. Is reconciled, 121. Excommunicated, 132. His remorſe on ſeeing his father's body, 134. His acceſſion, 142.

——— I. prepares for a cruſade, ii. 143. A maſſacre of the Jews, 144. Sells the vaſſalage of Scotland, 146. Meets Philip of France, with his army, 147. Winters at Meſſina, 148. His character and that of Philip compared, *ib.* His diſputes with Philip, 150. Siege of Acre, 152. Supports the pretenſions of Guy de Luſignan, 153. Troubles in England, 154. Defeats Saladin, 158. His cruel treatment of his priſoners, 160. Arreſted on his return, and impriſoned by the emperor Henry VI. *ib.* Accuſed before the diet, 163. His ſpirited reply, *ib.* His ranſom, how levied, 165. Defeats Philip, 167. Takes the biſhop of Beauvais priſoner, and ſends his coat of mail to the pope, 169. Is wounded, 170. Gallant reply of Gourdon, who ſhot him, *ib.* His ſenſibility of the retort, *ib.* Dies, *ib.* His character, *ib.* Reflections on his reign, 171. Miſcellaneous affairs, *ib.*

——— II. his acceſſion, iii. 235. State of parties, 236. The adminiſtration, how conducted, 238. His embarraſſments at his acceſſion, *ib.* War with France, 239. Popular inſurrections, 241. Has a conference with Watt Tyler, 243. His prudent behaviour at the death of Tyler, *ib.* Reflections on this affair, 244. Burns Edinburgh, &c. 245. His attachment to Robert de Vere, 246. Deprived of his regal power, 249. Violent proceedings againſt his miniſtry, 251. Execution of ſir Simon Burley, 254. Marries Iſabella of France, 257. Character of his adminiſtration, *ib.* Declares Mortimer ſucceſſor, 259. Procures Gloceſter to be murdered, 262. Prevents the duel between Hereford and Norfolk, 265. Oppoſes the ſucceſſion of Hereford to the dukedom of Lancaſter, 266. Invaſion of Lancaſter, 268. Seized, and confined, 269. Heads of accuſation againſt him, 270. Compariſon between this period and the revolution in 1688, 274. Depoſed, *ib.* 275. Murdered, 277.

277. His character, 278. Compariſon between, and Edward III. *ib.* Miſcellaneous tranſactions, 280. Compariſon between his ſituation, and that of Charles VI. of France, 314.

Richard III. firſt acts of his adminiſtration, iv. 141. Reflections on his ſeizure of the crown, *ib.* Suppoſed to poiſon his wife Anne, 148. Invaſion of the earl of Richmond, 150. Battle of Boſworth, 151. Killed, 152. His character, *ib.*

Richlieu, cardinal, his character, vii. 283. Rivals the duke of Buckingham in his addreſſes to the queen of France, 285. Concluſion of his adminiſtration, and death, ix. 84.

Richmond, Henry earl of, his pedigree, iv. 143. Makes unſucceſsful attempts for a deſcent on England, 149. Lands at Milford-haven, 150. Battle of Boſworth, 151. See *Henry* VII.

Ridley, biſhop of London, impriſoned, v. 261. Burnt, 293.

Riots, a ſevere ſtatute paſſed againſt, v. 231.

Rippon, treaty of, viii. 72. 74.

Rivers, earl of, his character, iv. 128. The firſt who introduced the art of printing into England, *ib. note.* Murdered, 132.

Rizzio, David, account of, vi. 82—85.

Robbery, general practice of, at the time of Henry III. ii. 336.

Robert III. of Scotland, his character, iv. 300. Dies of grief, *ib.*

——, eldeſt ſon of William the Conqueror, his character, i. 253. 266. Extraordinary rencounter between him and his father, 256. His reputation in the cruſade, ii. 6. How he loſt the kingdom of England, *ib.* Invades England, 12.

Rochelle, ſiege of, vii. 262. 264. 285. 308, 309.

Rochford, viſcounteſs of, calumniates queen Anne Boleyn to Henry VIII. v. 72. Her huſband tried and condemned, 75, 76. Conducts the ſecret amours of queen Catherine Howard, 129. Is beheaded, with the queen, 130.

Rocheſter, earl of, a character of his poems, x. 243.

Rocroy, defeat of the Spaniards there, ix. 88.

Rogers, prebendary of St. Paul's, burnt, v. 291.

Rollo the Dane, his hiſtory, i. 135—139. See *Normandy*.

Romans, their arrival in Britain, i. 24. Subdue it all except Caledonia, 28. Abandon it, 30.

Rome, reflections on the policy of the court of, ii. 21. The venal principles of the court of, 284. Church of, when

at the ſummit of its power, 337. Decretals of Gregory IX. *ib.* Remarks on the new orders inſtituted by, 338. Literary obligations to the ancient clergy of, iv. 153. Bad principles on which the church of, is founded, 307. Its encroachments on civil authority, *ib.* Favourable however to the reſtoration of the arts, 308. Conſequence of the ſale of indulgences, 309. See *Luther* and *Reformation*. Its authority renounced in England, v. 41. Reflections on this event, 43. City of, taken and ſacked, iv. 340.

Roſe, red and white, party diſtinctions of the houſes of Lancaſter and York, iv. 84. Remarks on the confuſed hiſtory of the wars between, 98.

Roſni, marquis of, his embaſſies and negotiations in England, vii. 35. 92.

Roundheads, the appellation explained, viii. 162.

Roundway-down, battle of, viii. 208.

Royal Society, the firſt inſtitution of, x. 240.

Rump parliament, the reſtoration of the long one ſo termed.

Runnemede, the great charter ſigned there, ii. 213.

Rupert, prince, commands a body of horſe for Charles I. viii. 196. His ſucceſſes, *ib.* 198. 209. 211. 239. 241. Defeated, 241. Battle of Naſeby, 279. Retires to Briſtol, 283. Capitulates; is diſmiſſed, and leaves England, 284. Commands the ſquadron which deſerted to Charles II. ix. 46. Takes refuge in France, 47. His naval operations, 220. 229. 313. 315. His death, x. 129. Was the inventor of etching, x. 237.

Ruſſell, lord, privately favours the French intrigues, but refuſes to accept any preſent, ix. 381. His character, x. 57. Enters into Monmouth's conſpiracy, 109. Tried, 115. Condemned, 118. Executed, 120.

Ruyter. See *De Ruyter*.

Rye-houſe-plot, hiſtory of, x. 112.

S

Sa, Don, hanged for aſſaſſination, ix. 76.

Safety, committee of, elected, ix. 134. General Monk's artful behaviour to, 142.

Saladin, king of Egypt, his character, ii. 129. Recovers Paleſtine, *ib* Defeated, 158. Concludes a truce, 159. His conduct in this war, *ib.* Dies, 160. Inſtance of his philoſophy, *ib.*

Salic law, the foundation of, iii. 139. Attempted to be introduced into the Engliſh government, 303.
Saliſbury, inſurrection of royaliſts there, ix. 81.
————, counteſs of. See *Garter*.
————, counteſs of, condemned, v. 110. Executed, 123.
————, ſecretary Cecil created earl of, vii. 90. Cauſes of his promotion, *ib.* Made treaſurer, 126. Invents the title of baronet, 147.
Sandwich, earl of, fails in attempting to ſeize the Dutch Eaſt India fleet, ix. 223. Killed, 294.
Sanquhar, lord, executed for aſſaſſination, vii. 138.
Savoy, conference at the, ix. 191.
Sautré, the firſt perſon burnt in England for hereſy, iii. 291.
Saxons, national character of, i. 35. Arrive in Britain, *ib.* Subdue it, and ſettle, 38. Their conqueſts in Britain very ruinous to the country, 43. War againſt each other, 44. Difficulty of continuing their hiſtory, and why, *ib.* View of their religion, civil inſtitutions, manners, &c. 46. 72—76. 113—117. 198—217. Finally ſubdued by William duke of Normandy, 187. 218. Their laws compared with the civil law, iv. 156.
Scone, the famous ſtone there, carried to London, iii. 47. R. Bruce crowned there, 77. E. Baliol crowned there, 135.
Scotland and *Scots*, the Scots and Picts invade Britain, i. 32. Conſtantine, 109. Duncan, 164. Macbeth, *ib.* King William does homage to Henry II. ii. 121. Vaſſalage of, ſold by Richard I. 146. Remarks on the ancient hiſtory of, iii. 14. Alexander III. marries the ſiſter of Edward I. 15. Succeeded by Margaret of Norway, *ib.* She dies on her paſſage to Scotland, 16. Competitors for the crown, 17. 23. Their claims referred to the deciſion of Edward I. 18. Nature of the homage done by the kings of, to thoſe of England, 19. 341. Edward decides in favour of John Baliol, 26. Baliol put in poſſeſſion of the kingdom, *ib.* The Scots aſſemble an army to oppoſe Edward, iv. 45. The Scots defeated and the whole country ſubdued, 46. Baliol ſwears fealty, and carried priſoner to London, 47. The Scots riſe againſt the Engliſh, under William Wallace, 61. Wallace made regent, 63. Battle of Falkirk, 65. Again ſubdued, 71. Young Robert Bruce ſpirits up the nobility to a revolt, 75. Bruce crowned, 77. Battle of Bannockburn, 96. The independency of, eſtabliſhed, 97.

He

He invades England, 124. The nature of the war made by the Scots, and their army deſcribed, *ib.* State of, at the acceſſion of David Bruce, 133. Edward Baliol crowned, 135. Flies to England, 136. Reſtored, 138. King David taken priſoner by queen Philippa, 182. Invade England, and their conduct in theſe incurſions, 245. Invade England again, 293. Battle of Homeldon, 294. Prince James taken priſoner, 300. Murdered, iv. 8. Affairs of, during the reign of Henry VI. and Edward IV. 86. In the time of Henry VII. 184. James IV. marries Margaret, eldeſt daughter of Henry, 231. Battle of Flouden, 276. State of, and confuſions in, 286. 288. Reaſons in favour of alliances with France or England, 318. Hamilton burnt for hereſy, 123. Forreſt burnt, 124. The reformation ſpreads in, 126. Henry declares war againſt, 135. Battle of Solway, 137. The infant queen Mary, contracted to prince Edward of England, 140. Henry VIII. burns Edinburgh, 150. Battle of Ancram, 154. Wiſhart the reformer, 193. Beaton aſſaſſinated, 195. Its misfortunes at this time, owing to a ſucceſſion of minorities, 196. Somerſet's manifeſto, 197. Battle of Pinkey, 200. The young queen Mary ſent to France, 207. And married to the dauphin, 316. Engliſh reformers protected, vi. 20. *The Congregation of the Lord*, 21. Treaty of Edinburgh, 33. For the further hiſtory of, during the reign of Mary, ſee *Mary*, daughter of James V. &c. The hoſtile laws between and England, aboliſhed, vii. 121. Conſequences of their king ſucceeding to the crown of England, 156. State of religion, 158. Juriſdiction of biſhops acknowledged, *ib.* Epiſcopal authority and ceremonies oppoſed, *ib.* Nature of the excommunication pronounced by the eccleſiaſtical courts, 160 Behaviour of Black, 161. Seditious principles of the clergy, *ib.* Regal and epiſcopal authority admitted, 162. High commiſſion, *ib.* Conſequences of the influence of the nobility, and the abſence of the king, viii. 39. Diſcontents of the inferior clergy, 41. Introduction of the canons and liturgy, 43. Tumult at Edinburgh, 44. The covenant, 47. Epiſcopacy aboliſhed, 51. The covenanters raiſe forces, 53. A ſecond armament againſt them, 70. Treaty of Rippon, 72. Reflections and views of the covenanters, on the breaking out of the civil war in England, 223. Send commiſſioners to the king, 224. Solemn league and covenant, 226. Raiſe an army to aſſiſt the Engliſh parliament,

ment, 228. The king puts himſelf into the hands of the Scots army, 294. Deliver up the king, 300. A treaty concerted with the king, 331. Parties there at this time, *ib.* Charles II. proclaimed, ix. 7. Terms propoſed to Charles, 19. Cruel and inſulting treatment and execution of Montroſe, 24. Treatment of Charles on his landing, 28. Battle of Dunbar, 34. Charles crowned at Scone, 36. The kingdom ſubmits to the commonwealth, 49. Civil adminiſtration of, under the protectorate, 102. Prelacy tacitly reſtored, 189. Proceedings of parliament, 253. Diſorders occaſioned by the eſtabliſhment of epiſcopacy, 254. 256. Inſurrection, and renewal of the covenant, 256. Cruel execution of the covenanters, 257. The attempts to reconcile the people to epiſcopacy without effect, 362. Severe law againſt conventicles, 364. Arbitrary adminiſtration of Lauderdale, 365. A parliament held by the duke of York, x. 96. Perſecution of the covenanters, 99. Declaration of indulgence, 175. Revolts againſt James II. 211. The convention tenders the crown to the prince of Orange and his princeſs, 219.

Scriptures. See *Bible.*

Secretaries of ſtate. See *Admirals.*

Sedgmoor, battle of, x. 150.

Self-denying ordinance paſſed, viii. 255.

Seneffe, battle of, ix. 326.

Seymour, lady Jane. See *Henry* VIII.

———, ſir Edward, brother to queen Jane, made earl of Hertford, v. 91. Burns Edinburgh, 150. Choſen protector by the regency, 183. Created duke of Somerſet, 184. See *Somerſet.*

———, ſir Francis, his ſpeech at the opening of the third parliament of Charles I. vii. 290.

———, ſir Thomas, created lord Seymour, and high admiral, v. 184. His character, 209. Marries the queen dowager, *ib.* Cabals againſt his brother the protector, *ib.* Addreſſes the lady Elizabeth, 211. Attainted, 214. Executed, *ib.*

Shaftesbury, earl of, made chancellor, ix. 287. His ſpeech on the Dutch war, 308. Joins the country party, 312. Diſmiſſed, 318. Sent to the Tower, 342. Flatters Monmouth with hopes of the ſucceſſion, x. 33. Preſents the duke of York, as a popiſh recuſant, 61. Accuſed of treaſon, but acquitted, 95. Inſtigates Monmouth's conſpiracy, 109.

109. Retires to Holland, and dies, 111. His character, *ib.*

Shakeſpeare, ſcarcely any mention of civil liberty in his hiſtorical plays, vii. 65, *note*. Character of his dramatic writings, 249. Compared with Johnſon, 250.

Sharpe, made archbiſhop of St. Andrews, ix. 189. His cruelty to the covenanters, 257. Is ſhot at, 366. Murdered, x. 49.

———, Dr. ſuſpended for preaching againſt popery, x. 172.

Sheep, the number of, reſtricted by ſtatute, v. 178.

Sheriffs, the primitive nature of their office, iii. 36.

Ship-money, firſt levied, i. 141. Impoſed on occaſion of the Spaniſh invaſion, vii. 59. Levied by Charles I. 277. viii. 23. Trial of Hambden, 34. Declared illegal, 90.

Shirley, Dr. See *Fag*.

Shore, Jane, accuſed by Gloceſter, iv. 133. Remarks on the accounts of her, 347. Her hiſtory, 135.

Shrewſbury, battle of, iii. 296.

———, earl of, renounces the catholic religion, and joins the prince of Orange, x. 196.

Sidney, Algernon, ſecretly negotiates with France, and receives bribes, ix. 381. Enters into Monmouth's conſpiracy, 112. His life and character, 121. Is tried, *ib.* His defence, 122. Executed, 123.

———, ſir Philip, his letter to queen Elizabeth, vi. 210. His death and character, 237.

Simnel, Lambert, his hiſtory, iv. 176. Ireland revolts under him, 178. Crowned at Dublin, *ib.* Invades England, 181. Defeated, 182. Becomes ſcullion to the king, and is promoted to be his falconer, *ib.*

Sindercome, is condemned for attempting the life of Oliver Cromwel, ix. 116. Poiſons himſelf, *ib.*

Sirnames when introduced into England, ii. 260.

Six Articles, law of. See *Articles*.

Skinner, his caſe, ix. 265.

Soldiers, common, their pay in the time of Edward III. iii. 232, *note*. Whence their chief emoluments aroſe, *ib.*

Solebay, battle of, ix. 294.

Solway, battle of, v. 137.

Soliman, ſultan, beſieges Vienna, v. 23.

Somerſet, duke of, his influence with Henry VI. and his queen, iv. 59. Sent to the Tower, 69. Killed, 70.

Somerſet, the earl of Hertford, protector, created duke of, v. 184. Favours the reformation, 186. 203, 204. Prepares for war with Scotland, 197. His manifeſto, *ib.* Battle of Pinkey, 200. His brother cabals againſt him, 209. Commits him to the Tower, 213. Signs the warrant for his execution, 214. Inſurrections, 222. Cabals againſt him, 227. A conſpiracy, 228. Sent to the Tower, 229. Deprived of his offices, and fined, 231. Re-admitted to the council, *ib.* Schemes of Northumberland to ruin him, 240. Is arreſted, 241. The charges againſt him, *ib.* Is tried, *ib.* Executed, 242. His character, and reflections on his fate, *ib.*

———, Carre, viſcount Rocheſter, created earl of, vii. 146. Procures Overbury to be poiſoned, *ib.* Stung with remorſe, 150. Convicted of Overbury's death, 152. Pardoned, and dies in obſcurity, 153.

Southampton, Wriotheſely, chancellor, created earl of, v. 184. Deprived of the chancellorſhip, 185. Cabals againſt the protector, 227, 228. Dies of vexation, 230.

————, earl of, attends Eſſex to Ireland, vii. 12. Enters into Eſſex's conſpiracy, 27. Tried and condemned, 31. Is ſpared, 34.

Spain, the kingdom of, reſigned by the emperor Charles V. to his ſon Philip, v. 302. Victory of St. Quintin, 310. Its flouriſhing ſtate and power at this time, vi. 233. The invincible armada, 285. 290—295. Acknowledges the independency of the United Provinces, vii. 124. Reception of prince Charles at Madrid, 199. Acknowledges the republican government of England, ix. 87. Revolt of Portugal, and other ill ſucceſſes, 88. Declares war againſt England, 92. Its ſituation at the time of the congreſs of Nimeguen, 339. See *Charles* V. *Netherlands*, *Philip* II. *United Provinces*.

Spalatro, archbiſhop of, comes to England, turns proteſtant, eſcapes to Italy, and dies in confinement, vii. 254.

Speaker of the Houſe of Commons, firſt appointment of, iii. 237.

Spenſer, his character as a poet, vii. 85.

Sprague, admiral ſir Edward, killed, ix. 316.

Spurs, battle of, iv. 273.

St Alban's, the monaſtery of, by whom endowed, i. 63. Obſervations on the petition of the borough of, to parliament, iii. 347. Battles of, iv. 70, 78.

St. Andrews, curious reſolution of a ſcholaſtic debate there, v. 333.

St. Bartholomew, maſſacre of. See *Paris*.

St. Dennis, battles of, vi. 160. ix. 359.

St. John, his negotiations with the States-general, ix. 52. Excites a quarrel between the Commonwealth and the States, *ib.*

——— of Jeruſalem. See *Malta*.

St. Quintin, battle of, v. 310.

Stafford, lord, his trial, x. 72; and execution, 75.

Stanley, lord, his ambiguous conduct previous to the battle of Boſworth, iv. 151. Declares for Richmond, *ib.* Created earl of Derby, 169.

Star-chamber, juriſdiction and eſtabliſhment of, iv. 241. Its antiquity, vii. 221. Its great authority, *ib.* Its ſentences, viii. 18. 20. 24. 33. Its proceedings condemned by the commons, 85. Its ſentence on Prynne and others reverſed, 88. Aboliſhed, 125.

Stephen, king of England, his pretenſions to the crown, ii. 38. Grants a charter, 40. Taken priſoner by the empreſs Matilda's party, 47. Diſguſts his nobles, 51. The archbiſhop of Canterbury refuſes to anoint his ſon Euſtace, 53. Dies, 54. His character, *ib.*

Stigand, archbiſhop of Canterbury, encourages the Engliſh to reſiſt the Normans, i. 219. His character, 238. Degraded and impriſoned, 240.

Still yard, merchants of, when eſtabliſhed into a company, v. 239.

Stoke, battle of, iv. 182.

Stowel, an abhorrer, reſiſts the order of the houſe of commons for his commitment, x. 64.

Strafford, earl of, his preferment, and the motive of it, viii. 8. His character, *ib.* 123. His unpopularity, 78. Impeached, 81. Accuſed by the Iriſh parliament, 105. Examination of his caſe and conduct, 107. His defence, 109. Notes of his ſpeech in council, produced againſt him by Vane and Pym, 114. His defence againſt this paper, *ib.* Attainted, 116. The populace excited againſt him, *ib.* Writes to the king to give him up, 120. His attainder paſſed, *ib.* Is executed, 122.

Stratton, battle of, viii. 206.

Strickland, his caſe, vi. 149. 151, 152.

Strode, his cruel treatment in Cornwal, v. 173.

Strode impeached by Charles I. viii. 164.
Strongbow, earl of Strigul, engages to aſſiſt Dermot, king of Leinſter, ii. 104. His tranſactions in Ireland, 105, 106.
Stuart, cauſes of the unhappineſs of the princes of that houſe in the government of England, viii. 367. Reflections on their adminiſtration, x. 229.
Subſidies and Fifteenths, the nature, amount, and method of levying theſe taxes, vii. 234. Altered into a land-tax, 235. The laſt grant of ſubſidies, ix. 211.
Suffolk, earl of, commands at the ſiege of Orleans, iv. 17. Diſconcerted by Joan d'Arc, 23. Raiſes the ſiege, 26. Taken priſoner, *ib.* Created a duke, 45. Impeached, 56. His juſtification, *ib.* Baniſhed, 59. Murdered, *ib.*
——, Edmund de la Pole, earl of, his hiſtory, iv. 235—237. 271.
——, Charles Brandon, duke of, marries Mary queen dowager of France, iv. 281. Invades Picardy, 324. Penetrates almoſt to Paris, 325. Dies, v. 159. The king's character of him, *ib.*
——, the marquis of Dorſet created duke of, commands the army to defend his daughter Jane's pretenſions, iv. 257. Declares for queen Mary, 258. Is apprehended, 259. Engages in a conſpiracy, 272. Tried and executed, 276.
Suits in forma pauperis, firſt given to the poor, iv. 241.
Sunday, ſports and exerciſes allowed on, vii. 164. The puritans term it the *Sabbath*, *ib.* 265. Edict for ſports on, renewed, viii. 21.
Sunderland, earl of, made ſecretary of ſtate, x. 39. Remarks on his conduct, 103. Suppoſed to have entered into a correſpondence with the prince of Orange, 197.
Supremacy, papal, how eſtabliſhed, i. 73.
Surrey, earl of, encourages Henry VIII. in his pleaſures, iv. 251. Battle of Flouden, 276. Created duke of Norfolk, 277. See *Norfolk*.
——, lord Howard, made earl of, iv. 277. His honours, 315. His character, v. 165. Motives of Henry's averſion to him, *ib.* His accuſation and execution, 166.
Suſſex, hiſtory of the Saxon kingdom of, i. 65.
Sweating ſickneſs appears, iv. 168.
Sweyn, king of Denmark, invades England, i. 132. 134. 140. Dies at Gainſborough, 143.
Sweden, joins in the triple league, ix. 250. Detached from it by France, 290. See *Charles X.*

Swiſs, league againſt the French, iv. 257. Excel other nations in their infantry, 270. Battle of Marignan, 289.
Synods held in England, i. 77. 128. 249. 253. 279, 280. ii. 11. 24. 32. 45. 48. 73. 78. 156. 189. 305. iii. 49.

T

TANCRED, natural brother to Conſtantia, queen of Naples and Sicily, his conduct, ii. 149, 150.
Tangier, yielded to Charles II. ix. 200. Demoliſhed and abandoned, x. 86.
Taniſtry, in the Iriſh cuſtoms, what, vii. 137. Aboliſhed, *ib.*
Taxes, how impoſed in the reign of Edward I. iii. 82. Arbitrarily increaſed by Edward III. 227. Never impoſed without conſent of parliament, by the houſe of Lancaſter, 340. Oppreſſively raiſed by Henry VIII. iv. 320. Exorbitant levies of, in the reign of Edward VI. v. 334. Thoſe impoſed under the commonwealth, ix. 164.
Taylor, parſon of Hadley, burnt for hereſy, v. 292.
Templars, knights, character of that order, iii. 115. Their cruel treatment by Philip the Fair, *ib.* The order aboliſhed, 117.
Temple, ſir W. his negotiations with De Wit, ix. 248. Concludes the triple alliance, 250. Treaty of Aix-la-Chapelle, 251. Recalled, 277. His remonſtrance on being appointed ambaſſador to the States, 325. Sent to the congreſs at Nimeguen, 337. His remonſtrance reſpecting an alliance againſt France, 352. Concludes an alliance with the States, 356. Adviſes the king to form a new council, x. 37. His character as a writer, 244. His death, *ib.*
Tenures, feudal, nature and principles of, ii. 228.
Teſt act paſſed, ix. 312. The duke of York ſet aſide by it, 313. A new one paſſed, with an exception in the duke of York's favour, x. 22. Diſpenſed with by James II. 158. His privilege of diſpenſing with it, confirmed, 163.
Tewkeſbury, battle of, iv. 112.
Thanes, among the Saxons, what, i. 199.
Theatres, cauſe of the licentiouſneſs of, after the reſtoration, x. 242. How corrected, *ib.*
Theft, when firſt made capital in England, ii. 35.
Thomas à Becket, his hiſtory previous to his preferment, ii. 66. Appointed chancellor, 67. His magnificent way of life, *ib.* Inſtance of the king's familiarity with him, 68. Promoted

moted to Canterbury, 69. His assumed sanctity, *ib.* Subscribes the constitutions of Clarendon, 77. His sorrow for his compliance, *ib.* Condemned for contempt of court, 79. His extraordinary visit to the king, 81. Appeals to the pope, and leaves the kingdom, 83. Reconciled to the king, 90. Murdered, 95. His character, and that of the age he lived in, *ib.* Canonized, 99. Pilgrimages to his shrine, *ib.* Henry's penance at it, 118. His murderers how punished, 124. Extraordinary devotion paid to his shrine, v. 95. The shrine pillaged, and Becket's bones burnt, 96.

Tindal. See *Bible.*

Tobacco, when first introduced into England, vi. 236.

Toleration, not a priestly virtue, iii. 338. Arguments for and against, v. 287. Cause and origin of, vii. 226.

Tomlinson, colonel, the speech of Charles I. to, at his execution, ix. 354.

Tongue, Dr. his character, and his intelligence of the popish plot, x. 4. Recommended for preferment, 65.

Tonnage and poundage granted to Henry V. iii. 324. To Richard III. iv. 147. To Henry VII. 172. Arbitrarily levied by Henry VIII. v. 173. Remarks on the statute granting these duties, 174. The long possession of the duties occasions them to be considered by the princes as their proper right and inheritance, vii. 129. History of, 313. Are levied by Charles I. 314. See *Finch.* Granted to Charles II. for life, ix. 179.

Tonstal, bishop of London, opposes the reformation, v. 191. His character, 245. Bill of attainder passed against him, *ib.* Restored to his see, 261. See *Bible.*

Tory. See *Whig.*

Touton, battle of, iv. 85.

Trade, a board of, when erected, x. 237.

Transtamare, Henry count de, history of, iii. 212—215.

Transubstantiation, the point of, debated, v. 269.

Treason, high, the cases of, limited by law, iii. 224. Rigorous and contradictory statutes against, v. 171. A severe law against, 241. The species of, restricted, 264. Statutes of Elizabeth concerning, vi. 158.

Treasurers. See *Admirals.*

Triple alliance formed against Louis XIV. ix. 250.

Trinity college, Cambridge, by whom founded, v. 179.

Tromp, the Dutch admiral, quarrels with Blake, ix. 53. Engages Blake, *ib.* Defeats him, 55. Tromp worſted, 56. Defeated, 73. Killed, 74.

——, ſon of the former, engages the duke of York, ix. 221. He and De Ruiter engage Albemarle, 227. Defeated, 230. His commiſſion taken from him, *ib.*

Troye, treaty of, iii. 330. Reflections on, 331.

Tudor, ſir O. marries Catherine, widow of Henry V. iii. 337. Beheaded, iv. 78. Remarks on the adminiſtration of the princes of that houſe, vii. 346.

Turenne, his ſucceſſes, ix. 327. 333. Killed, 334.

Turkey, commencement of the trade with, vii. 74.

Turnpikes, the firſt law for erecting, x. 237.

Tyler, Watt, and Jack Straw, head an inſurrection againſt Richard II. iii. 241. Tyler killed, 243.

Tyrconnel, earl of, his character, and oppreſſion of the proteſtants in Ireland, x. 168.

Tyrone, earl of, his character, vii. 8. Account of his rebellion, *ib.*—14. 18. 39. Surrenders himſelf, 45. Pardoned, *ib.*

Tyrrel, ſir J. murders Edward V. and the duke of York, iv. 139. Proves the murders, 209. Executed for another crime, 236.

Tythings, counties ſubdivided into, by Alfred, i. 98.

V

VAGRANTS, puniſhed by Elizabeth by martial law, vii. 54.

Vane, ſir Harry, his imprudent manner of urging the king's demands in the houſe of commons, viii. 67. See *Strafford.*

——, ſir Henry, the younger, how he procured the condemnation of Strafford, viii. 114. His character, 226. ix. 204. Procures the ſolemn league and covenant to be framed, viii. 226. Becomes a leader of the independents, 250. His ſpeech preparatory to the ſelf-denying ordinance, 253. His remarks on the king's abilities, 336. Encourages diſcontents againſt the protector, ix. 80. Confined, 144. His general conduct, *ib.* Excepted from the act of indemnity, 178. Tried, 202. Executed, 204.

Venner, an account of his inſurrection, ix. 186.

Vere, Robert de, earl of Oxford, hiſtory of, iii. 246. 251.

Verneuil, battle of, iv. 10.

Villains, among the Anglo-Saxons, what, i. 201.

Villiers,

Villiers, George, introduced to the notice of James I. vii. 151. Made duke of Buckingham, 154. See *Buckingham*.
Virginia, hiſtory of the ſettlements there, vi. 235. vii. 244.
Ulſter, a company formed for planting colonies in, vii. 138. Maſſacre of the Engliſh there, viii. 138. See *Ireland*.
Union of England and Scotland attempted, vii. 107.
Uniformity, the act of, ix. 196. 215.
Univerſity revenues granted to Henry VIII. v. 156.
United Provinces, their aſſociation againſt the dominion of Spain, vi. 185. Pacification of Ghent, 189. Treaty with Elizabeth, 190. Conditions of her league with them, 233. New treaties with her, 322. 337. A treaty between James I. and Henry IV. for the ſupport of, vii. 92. Their freedom acknowledged by Spain, 124. Baniſh Vorſtius, an Arminian, 135. Severities againſt bigots, *ib.* Cautionary towns reſigned, 155. Renew the war with Spain, 212. Cruelties at Amboyna, 243. Obliged to remove Charles II. ix. 18. Decline a coalition with the Engliſh commonwealth, 51. Engagement between Tromp and Blake, 53. Their apology rejected by the Engliſh commonwealth, 54. See *Tromp*, *De Ruiter*, &c. Make peace with Cromwel, 75. Review of their conduct toward the Engliſh, 215. War declared againſt them by the Engliſh, 220. Treaty of Breda, 235. Triple alliance, 250. War declared by England, 289. And France, *ib.* Their defenceleſs ſtate, 291. Sea-fight at Solebay, 294. Rapid progreſs of Lewis XIV. 296. Prince of Orange made Stadtholder, 302. Sea-fights, 313, 314. Peace with England, 319. Alliance with Charles, 353. Peace of Nimeguen, 360. League againſt Lewis, x. 192. Concur with the prince of Orange againſt James II. 198.
Vorſtius. See *United Provinces*.
Urban III. dies of grief, ii. 130.
Urbaniſts. See *Clementines*.
Uſury, particulars concerning, and laws againſt, ii. 143. iii. 8. iv. 244. v. 243. vii. 78.
Uxbridge, treaty of, viii. 258.

W

WAGER of law, the ſource of, i. 211.
Wages of labourers, regulated by Henry VII. iv. 245. The rates at that time compared with the preſent, *ib.*

Wakefield, battles of, iv. 77. viii. 221.
Wakeman, ſir George, accuſed of an intention to poiſon the king, ix. 4. Acquitted, 48.
Wales, the ſtate of, previous to the time of Henry III. ii. 309. Tranſactions between the princes of, and Henry III. *ib.* 310. Conqueſt of, iii. 9—12. The Welch bards put to death, 12. Traditional account of its annexation to the crown of England, and giving title to the king's eldeſt ſon, 13. Motto of the princes of, whence derived, 180. Inſurrection of Glendour, 292. United to the Engliſh government, v. 42. 68.
Wallace, William, his character, iii. 61. His exploits againſt the Engliſh, *ib.*—63. Made regent, 63. Reſigns the regency, 65. Routed at Falkirk, *ib.* His prudent retreat, 66. His conference with young R. Bruce, *ib.* Betrayed, 72. Executed, *ib.*
Waller, Edmond, his character, viii. 215. Forms a party, *ib.* Diſcovered, and condemned, 216. Pardoned, on paying a fine, 217. His character as a poet, ix. 170. His death, 171.
———, ſir William, his rapid exploits, viii. 204. Defeated on Roundway-down, 208. Routed at Cropredy-bridge, 245.
Wallingford houſe, cabal of, againſt R. Comwel, ix. 127.
Walſingham, miniſter to Elizabeth, countenances the puritans, vi. 133. Strange contrariety of his inſtructions concerning the intended marriage between Elizabeth and the duke of Anjou, 208. Is averſe to the French marriage, 209. His favourable account of James of Scotland, 219. His vigilance and artifices to detect conſpiracies, 220. 245. Diſcovers Babington's conſpiracy, 245. Juſtifies his conduct towards Mary queen of Scots, 256. His letter to the Scotch ſecretary concerning her execution, 278. His death and character, 369.
Walworth, mayor of London, kills Wat Tyler, iii. 243.
War, reflections on the ſtate of, and manner of carrying on, in the early times of the Engliſh hiſtory, iii. 324. iv. 39. Civil, favourable to eloquence, ix. 168.
Warbec, Perkin, his parentage, and an account of his impoſture, confeſſion, and death, iv. 205—228. His impoſture eſtabliſhed by an expreſs examination of circumſtances, 348.

Wardſhips, vaſt advantages made of, by the Anglo-Norman kings, ii. 251. Further particulars concerning, vii. 59. 107. 133.

Warham, archbiſhop of Canterbury, and chancellor, reſigns his places, and retires, iv. 284. His obſervation on Wolſey, 294. Informs Henry of Wolſey's arbitrary conduct, 296.

Warrenne, earl, joins prince Edward againſt Leiceſter, ii. 312. His reply, when required to ſhow his title to his eſtate, iii. 9. Defeats the Scots, 46. Defeated by Wallace, 63. Joins the confederacy againſt Gavaſton, 92.

Warwic, Guy earl of, confederates againſt Gavaſton, iii. 92.

———, earl of, left by Henry V. guardian of his infant ſon Henry VI. iii. 335. Becomes regent of France, iv. 41. Dies, *ib.*

———, earl of, the *King-maker*, his character, iv. 53. Defeats and takes Henry at Northampton, 74. Defeated by queen Margaret, 78. His behaviour previous to the battle of Touton, 85. Diſguſted with Edward IV. 94. Makes a party againſt the king, 95. Gain's Edward's brother the duke of Clarence, *ib.* Confuſed accounts of their ſubſequent operations, 99. Leagues with queen Margaret, 102. The king expelled, 105. Reflections on his temporary adminiſtration, 110. Defeated and killed, 112.

———, Edward Plantagenet, earl of, executed, iv. 228.

———, Dudley viſcount Liſle created earl of, v. 184. His hiſtory and character, 212. Enters into a conſpiracy againſt Somerſet, 228. Created duke of Northumberland, 240. See *Northumberland*.

Watches, pocket, when introduced into England, vii. 78.

Wentworth, Peter, his ſpirited ſpeeches in the houſe of commons, vi. 154. 193. Sent to the Tower, 312.

———, ſir Thomas, his ſpeech in the third parliament of Charles I. vii. 292. Created earl of Strafford, viii. 8. See *Strafford*.

Weſſex, hiſtory of the Saxon kingdom of, i. 41. 65.

Weſt Indies, the effects reſulting from the diſcovery of, to the Engliſh crown and people, vii. 127.

Weſtminſter, ſynods held there, ii. 24. 45. Erected into a biſhopric, v. 97. Aſſembly of divines called there, viii. 259.

Wheat, obſervations on the price of, in the reign of Henry III. ii. 332, 333.

Whig and *Tory*, origin of the names, x. 59. The plans of thoſe parties for ſettling the government, on the abdication of James II. 220. 222.

Whitlocke, his remarks on the caſe of Strafford, viii. 113. His account of the conduct of Charles I. in the negotiation at Oxford, 374. His ſpeech on the ſelf-denying ordinance, 254.

Wickliffe, John, his character, iii. 280. His doctrines, 281. Protected by the duke of Lancaſter, *ib.* Bulls iſſued againſt him, but is protected by the people, *ib.* 282. His addreſs in explaining away his tenets, 283. His opinions ſpread, *ib.* His death, *ib.*

Wilfrid, biſhop, how he confirmed the pope's ſupremacy, i. 73.

Wilkins, biſhop, the firſt promoter of the Royal Society, x. 240.

William, natural ſon of Robert duke of Normandy, makes good his pretenſions at his father's death, i. 166. Viſits Edward the Confeſſor, 167. Projects an invaſion, 175. Situation of Europe at that period, 177. Lands in Suſſex, 183. His addreſs to his chieftains, 185. Battle of Haſtings, 186. Conſequences of the battle, 218.

William the Conqueror, crowned, i. 222. Places all power in the hands of the Normans, 224. Inſurrections, 228. His rigorous government, 232. Inſurrections, 233. His cruel policy and tyrannical government, 235. The feudal law, 237. 238. Attempts to ſuppreſs the Engliſh language, 242. His reſolute anſwer to the claims of pope Gregory VII. 252. His eldeſt ſon Robert rebels, 255. Extraordinary rencounter between them, 256. Domeſday book, *ib.* His revenue, 257. 277 New Foreſt, 258. Occaſion of his death, and his remorſe, 260. His character, 261. His title of *Conqueror* defended, 262. His family, 264. His vaſt grants to his chieftains, ii. 238.

——— *Ruſus*, his acceſſion, i. 264. His tyrannical diſpoſition, 266. His arbitrary adminiſtration, 267. Anecdotes ſhowing his indifference about religion, 277. Confiſcates archbiſhop Anſelm's temporalities, 280. Accidentally killed, 283. His character, *ib.* A famine cauſed by his oppreſſive taxes, ii. 250.

———, eldeſt ſon of king Henry I. drowned, ii. 28. His character, and ſentiments regarding the Engliſh, 29.

———, king of Scotland, joins the confederacy againſt Henry II. ii. 114. Taken priſoner, and does homage for his ranſom and crown, 119. 121.

Williams, biſhop of Lincoln, his ſevere proſecution by Laud, viii. 30. Inſulted by the populace, 162. Preſents a proteſtation to the king and peers, *ib.*

Willis, ſir R. betrays the deſigns of the royaliſts, ix. 99. 114. 132.

Wiltſhire, earl of, ſent by Henry VIII. to the pope, whoſe foot he refuſes to kiſs, v. 27.

Winchester, Henry Beaufort biſhop of, appointed tutor to Henry VI. iv. 4. His character, 13. His diſputes with Gloceſter compromiſed, 14. Created a cardinal, 29. Effects of his diſputes with Gloceſter, 38. Adviſes a truce with France, 42. Contrives the ruin of Gloceſter, 46. Dies, 47.

———, Peter des Roches biſhop of, his character, and anecdotes of him, ii. 278. The barons combine againſt him, 279. His inſolent ſpeech with regard to them, *ib.* Diſmiſſed, 280.

Windham, colonel, ſecretes Charles II. ix. 41.

Windſor-caſtle, when built, iii. 226.

Wiſhart, the Scots reformer, account of, v. 193. Burnt, 195. His prophetic denunciation againſt Beaton, *ib.* His prophecy, how accompliſhed, *ib.*

Witchcraft, and conjuration, a law againſt, vi. 67.

Witches, numbers burnt under that accuſation in Scotland, ix. 31. The diſcovery of, ſtudied as a ſcience, *ib.*

Wittenagemot, the ancient Saxon council of parliament, particulars relating to, i. 192.

Wolſey, Thomas, his birth, iv. 266. How introduced to the notice of Henry VII. *ib.* His addreſs in executing a commiſſion to Maximilian, *ib.* Introduced to Henry VIII. 267. Encourages Henry in his pleaſures, *ib.* The maxims of government he inſtils into him, *ib.* His character, 268. Created biſhop of Lincoln, 277. Promoted to the ſee of York, 282. His magnificence, 283. Made chancellor, 284. His diſguſts againſt Francis I. of France, 289. Appointed legate, 294. His oſtentation, *ib.* His arbitrary exertions of power, *ib.* Inſpired with the hopes of the papacy by the emperor, 299. The emperor's grants to him, 302. His enormous revenues, 303. Procures the condemnation of Buckingham, 304. His arbitrary behaviour to the citizens of London, 360. Obtains the legatine commiſſion for life, 322. His reſentment againſt the emperor on miſſing the papacy, *ib.* Erects two colleges, &c. 323. Becomes odious to the people, 335. Builds the palace

lace of Hampton-court, and preſents it to the king, *ib.* Appointed to try the king's marriage, v. 11. The great ſeal taken from him, 17. His moveables confiſcated, 18. His want of fortitude on his diſgrace, *ib.* The peers exhibit a long charge againſt him, 19. Warmly defended by Tho. Cromwel, *ib.* Proſecuted on the ſtatute of proviſors, *ib.* Pardoned, 20. Arreſted for high treaſon, 28. His dying requeſt to the conſtable of the Tower, *ib.* His death, and a review of his conduct, 29. Uſed no ſeverities againſt the reformers, 51.

Wolves, how exterminated from England, i. 127.

Wool, and woollen manufacture, laws and other particulars concerning, iii. 8. 51. 149. 230. 232. v. 335. vii. 235. 240. x. 236.

Women, a body of, petition the long parliament, viii. 171. A mob of, routs a ſynod at Perth, ix. 375.

Worceſter, burnt by order of Hardicanute, i. 155. Charles II. routed there by Cromwel, ix. 39.

———, John Tibetot, earl of, his character, iv. 107. Executed, 108.

Wotton, Dr. his character, vi. 238. Forced to fly from Scotland, 239.

Wounds, legal compoſitions for, among the Saxons, i. 210.

Wrecks, a law to ſecure the property of, ii. 139.

Wriothſeley, made chancellor, v. 161. His cruelty in torturing Ann Aſcue, *ib.* Perſuades Henry to impeach queen Catherine Par for hereſy, 162. Created earl of Southampton, 184. See *Southampton*.

Writers, Engliſh, a review of thoſe during the reign of Charles I. and the commonwealth, ix. 169.

Wycherley, a character of his dramatic writings, x. 243.

Y

YELVERTON, his free ſpeech in the houſe of commons, vi. 151.

———, his ſpeech on being choſen ſpeaker of the houſe of commons, vi. 370.

Yeomen of the guard, firſt inſtitution of, iv. 169.

York, city of, its ſize at the Norman conqueſt, i. 200. Burnt, 234. A court of juſtice erected there, v. 90. The chapter lands ſeized, 130. A great council of peers ſummoned there by Charles I. viii. 72. Beſieged by the parliamentary army, 240. Surrendered, 244.

York and Lancaſter, parties of, how diſtinguiſhed, iv. 84.
——, Richard duke of, appointed regent of France, iv. 38. His pretenſions to the crown of England, 52. 54. His character, 52. Driven to the aſſertion of his claim, 62. Motives which retarded having recourſe to arms, 66. Raiſes an army, 67. Retires, 68. Created lieutenant of the kingdom, 69. Made protector, *ib.* His moderation, *ib.* Battle of St. Alban's, 70. A formal reconciliation between the parties, 72. Opens his pretenſions to parliament, 74. His right acknowledged, 75. Defeated and killed, 77. For his ſon Edward, ſee *Edward duke of York*, infra.
——, Edward duke of, defeats Pembroke, iv. 78. Procures a popular election to the crown, 80. See *Edward* IV.
——, James duke of, ſecond ſon of Charles I. ſerves in the French and Auſtrian armies, ix. 112. Seduces the daughter of lord Clarendon, 184. Marries her, *ib.* Becomes a zealous catholic, 209. His motives for deſiring a Dutch war, 217. Defeats Obdam, 221. His behaviour in this engagement juſtified, *ib.* Openly profeſſes the catholic religion, 282. Battle of Solebay, 294. Set aſide by the teſt-act, 311. Maintains an intimate correſpondence with the king of France, 324. His daughter the lady Mary married to the prince of Orange, 349. Obtains an exception from the new teſt-act, x. 22. Bill of excluſion paſſed, 41. The earl of Shafteſbury preſents him to the grand jury of Middleſex as a popiſh recuſant, 61. The excluſion-bill reſumed, 67. Arguments for and againſt his excluſion, *ib.* Holds a parliament in Scotland, 96. His cruel adminiſtration there, 100. Sues Pilkington for defamation, 105. His daughter the lady Anne married to prince George of Denmark, 129. Reſtored to the office of lord high admiral, *ib.* His acceſſion, 137. See *James* II.
Yorkſhire, an inſurrection there in Edward IV.'s time, iv. 97. No particulars to be found how it was quelled, 99.

Z

ZUYLESTEIN, his commiſſion to England, and the conſequences of it, x. 196.

THE END.